

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Fidelity Cablevision,)
LLC d/b/a Fidelity Communications') **File No. TO-2023-0074**
Partial Relinquishment of Eligible)
Telecommunications Carrier Designation)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its *Recommendations* states:

1. On August 15, 2022, Fidelity Cablevision, LLC d/b/a Fidelity Communications (“Company”) filed a request to relinquish a portion of its Eligible Telecommunications Carrier (“ETC”) designation in Missouri. The Company wishes to relinquish the Lifeline ETC designation which were granted on expansion requests April 28, 2021, in Case No. CA-2021-0282 and July 22, 2021 in Case No. CA-2021-0415 respectively.

2. Fidelity Communications wishes to relinquish a portion of its ETC designation due to a reduction of its Rural Digital Opportunity Fund (“RDOF”) service territory in Missouri. The Company also wishes to relinquish ETC status in certain areas which the company incorrectly requested designation that were not assigned to the Company for RDOF funding in CA-2021-0282. The areas the Company is requesting to relinquish ETC designation is in Exhibit 1 of the Company’s application. Staff’s memorandum, attached to this recommendation as Attachment A, provides additional explanation.

3. Pursuant to 20 CSR 4240-31.015(4) relinquishment of ETC status is accomplished by providing a letter signed by an authorized company official or

representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4). The federal requirements are codified in FCC rule 47 CFR 54.205 and are intended to ensure that the affected will continue to be served by at least one ETC.

WHEREFORE, Staff respectfully recommends the Commission cancels Fidelity Cablevision, LLC d/b/a Fidelity Communications ETC status according to Exhibit 1 of its application and grant such other and further relief as the Commission finds just in the circumstances.

Respectfully submitted,

/s/ Ron Irving

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 15th day of September, 2022, to all counsel of record.

/s/ Ron Irving

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TO-2023-0074

From: Kari Salsman, Senior Research/Data Analyst
John VanEschen, Regulatory Compliance Manager
Telecommunications Department

Subject: Staff's Recommendation for Fidelity Cablevision, LLC d/b/a
Fidelity Communications' Notice of Partial Relinquishment of
Its Eligible Telecommunication Carrier Designation.

Date: September 15, 2022

On August 15th, Fidelity Cablevision, LLC d/a/a Fidelity Communications (Fidelity) filed a request for the Missouri Public Service Commission (Commission) to relinquish a portion of its Eligible Telecommunications Carrier (ETC) designation in the State of Missouri which was previously granted in expansion requests approved by the Commission.¹ The areas the company is requesting to relinquish ETC designation is in Exhibit 1 of the application.

The requirements for relinquishment of ETC status is contained in Commission rule 20 CSR-4240-31.015. This rule indicates a company can relinquish its ETC designation by providing a letter signed by an authorized company official or representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4). These federal requirements are codified in FCC rule 47 CFR 54.205 and essentially are intended to ensure the affected area will continue to be served by at least one ETC.

The company is relinquishing a portion of its ETC designation due to the reduction of the company's Rural Digital Opportunity Fund (RDOF) service territory in Missouri.² The company no longer has a need for additional Lifeline only ETC authority in non-RDOF areas and seeks to relinquish ETC status in these areas as well. The company is also relinquishing ETC status in certain areas in which the company erroneously requested

¹ On April 28, 2021 Case No. CA-2021-0282 expanded the Company's existing ETC designation to include certain RDOF areas as well as additional geographic areas in which the Company requested to be designated as an ETC for the provision of federal Lifeline services. On July 22, 2021 Case No. CA-2021-0415 further expanded the Company's ETC designation to include additional geographic areas in which the Company requested to be designated as an ETC for the provision of federal Lifeline services.

² The FCC asked RDOF winning bidders to review their bids, based on concerns that areas are already served by one or more service providers that offer 25/3 broadband service and concerns of wasteful spending. In response, Fidelity informed the FCC that it would no longer pursue RDOF support for certain census blocks due to those blocks either already being serviced or containing no serviceable locations.

designation that were not assigned to the Company for RDOF funding.³ According to the company's filing, numerous other ETCs will continue to serve the area. The company provided a list of other wireless and landline ETCs offering Lifeline service in the area. In addition, Staff is aware of landline ETCs operating within certain portions of this area. No customer notice is required with the relinquishment of these areas because the company doesn't serve any customers pursuant to its ETC designation in the areas to be relinquished. In Staff's opinion the company has satisfied federal requirements.

Staff recommends the Commission approve the partial relinquishment of Fidelity Cablevision, LLC d/b/a Fidelity Communications ETC designation according to Exhibit 1 of its application.

³ Fidelity's parent Cable One participated in the RDOF auction as a member of a Consortium. The Company's application filed in Case No. CA-2021-0282 erroneously included census block groups that were assigned by another member of the Consortium, Wisper ISP, LLC.