

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

In the Matter of the Application of yoodoo)
Broadband, LLC for Designation as an Eligible) Case No. _____
Telecommunications Carrier in the State of)
Missouri)

**APPLICATION AND VERIFICATION OF YONDOO BROADBAND, LLC
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF MISSOURI
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

I. INTRODUCTION

yoodoo Broadband, LLC (“yoodoo Broadband”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)¹ and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”)², and the rules and regulations of the Missouri Public Service Commission (“Commission”), including 20 CSR 4240-31.016, and 20 CSR 4240-2.060 hereby submits this Application for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Missouri.

yoodoo Broadband was selected as a winning bidder in Missouri under the FCC's Rural Digital Opportunity Fund (“RDOF”) Phase I Auction (Auction 904). yoodoo Broadband will receive \$54,833.80 over the course of 10 years. yoodoo Broadband’s receipt of RDOF Phase I Auction funding is conditioned upon obtaining designation as an ETC in the eligible Census

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101 – 54.207.

Blocks by June 7, 2021.³ Accordingly, yondoo Broadband seeks designation only in the Census Blocks for which it was awarded funding from the RDOF I Auction, as identified in the attached **Exhibit A**.

As demonstrated in this Application, yondoo Broadband meets all state and federal requirements for ETC designation, and, as shown by the description herein of yondoo Broadband's planned voice and broadband deployment projects, designating yondoo Broadband as an ETC in the proposed areas would advance the goals of universal service and is in the public interest.

The FCC did not require that RDOF I Auction participants be designated ETCs at the time they filed their applications. However, winning bidders must, within 180 days of being announced as winning bidders, obtain ETC designation in any areas for which they are awarded support and submit appropriate documentation of such ETC status to the FCC.⁴ As noted, yondoo Broadband has been selected as a winning bidder in the RDOF I Auction for 2 Census Blocks Groups (CBG) in Missouri. Because the timeframe for yondoo Broadband to obtain ETC designation is short and the consequences of failure to do so are severe, yondoo Broadband respectfully requests that the Commission review this Application promptly and grant yondoo Broadband ETC designation in the Census Blocks identified in this Application on an expedited basis.

All correspondence, communication, pleadings, notices, orders, and decisions relating to this Application should be addresses to:

Robert M. Steffen
yondoo Broadband, LLC

³ *FCC Form 683: Application for Rural Digital Opportunity Fund Phase I Support Auction 904* § 6.1 (“FCC Form 683”)

⁴ See 47 CFR §§ 54.310(e)(1), 54.315(b)(5); see also *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021*, DA 20-1422 at para. 36 (December 7, 2021) (“RDOF Winning Bidders Announced Public Notice”) (“...by Monday June 7, 2021, the long-form applicant must submit for each state the required documentation and a certification letter from an officer.”)

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With a copy to:

Bruce E. Beard
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Fax: (314) 394-1538
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II. YONDOO BROADBAND'S SERVICE OFFERING

yondoo Broadband is a Virginia limited liability company, that operates in Missouri, California, Oregon, Utah, and Pennsylvania. Its principal office is located at 401 East Pratt Street, Suite 351, Baltimore, MD 21202. yondoo Broadband is wholly owned subsidiary of MidAtlanticBroadband, Inc ("MidAtlanticBroadband") which is headquartered at 401 East Pratt Street, Suite 351, Baltimore MD 21202. yondoo Broadband is registered with the Missouri Secretary of State to do business in Missouri and includes its Missouri Certificate of Good Standing as **Exhibit B** hereto. Neither yondoo Broadband nor MidAtlanticBroadband receives universal service funding in any other states in which each operates. yondoo Broadband's current directors and management personnel are identified on **Exhibit C**. Key personnel exerting control over the applicant's day-to-day operations are identified on **Exhibit D**. yondoo Broadband provides wireless Internet, fiber broadband Internet access service ("BIAS") and interconnected voice over Internet Protocol ("VoIP") services in rural Missouri. yondoo Broadband currently provides Internet speeds of up to 1Gbps. Attached as **Exhibit E** is an affidavit verified under oath by an authorized officer of the corporation.

yondoo Broadband will deploy and operate a fiber-to-the-home network that will provide high-speed broadband Internet access service with speeds up to 1Gbps and Voice over Internet Protocol (VoIP) services throughout the awarded CBG, which largely lacks access to such high-speed broadband services. yondoo Broadband will use its own facilities to provide the broadband and interconnected VoIP services described above. In providing the VoIP technology, yondoo Broadband will continue to partner with its existing third-party vendor Momentum.

III. REQUIREMENTS FOR DESIGNATION AS AN ETC

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.” Section 214(e)(2) of the Act authorizes state commissions, such as the Commission, to designate ETC status for federal universal service purposes and authorizes the Commission to designate wireline ETCs.⁵ Section 214(e)(1) of the Act and Section 54.201(d) of the FCC’s rules provide that applicants for ETC designation must be common carriers that will offer all of the services supported by universal service, either using their own facilities or a combination of their own facilities and the resale of another carrier’s services.⁶ Applicants also must commit to advertise the availability and rates of such services.⁷ The requirements are codified by the Commission in 20 CSR 4240-31.016.

Pursuant to 20 CSR 4240-2.060 and 20 CSR 4240-31.016 all applications for ETC designation are to include the following summarized information⁸:

1. Description of service applicant will offer;
2. Identification of the applicant’s proposed service area;

⁵ Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, at 8858-59 ¶ 145.

⁶ See 47 U.S.C. 214(e)(1)(A).

⁷ See 47 U.S.C. 214(e)(1)(B).

⁸ See 20 CSR 4240.130.1

3. Explanation of how applicant will offer services using own facilities or combination of its own facilities or resale;
4. Statement certifying that applicant will advertise availability of service and its price, using media of general distribution;
5. Certification that applicant will comply with applicable Federal service requirements;
6. Demonstration of the applicant's ability to remain functional in emergency situations, including description of back-up power, and ability to manage emergency situations;
7. Statement that applicant will satisfy applicable consumer protection, consumer privacy, and service quality standards.
8. Description of rates, terms and conditions of proposed voice telephony service to be supported as Lifeline or Disabled services;
9. Explanation of how applicant intends to provide service through the proposed service area, including areas where the applicant lacks facilities or network facilities;
10. Description of how applicant will ensure service will be provided in timely manner to requesting customers;
11. Demonstration that applicant is financially viable and technically capable of providing voice telephony service;
12. Description of how, if at all, applicant will provide access to directory assistance, operator services and interexchange services;
13. Further Certifications Required Under the Commission's Rules in 20 CSR 4240-2.060
14. Elements for participation in Lifeline or Disability program;
15. Certifications of Compliance;
16. Federal High Cost-Support Compliance;

17. Ownership Information;
18. Certification that yondoo Broadband is compliant with contribution obligations to the Federal USF; and
19. Certification that yondoo Broadband commits to solely conduct business under name granted for ETC status.

IV. YONDOO BROADBAND SATISFIES THE APPLICABLE REQUIREMENTS FOR DESIGNATION AS AN ETC

1. Description of service.

yondoo Broadband offers, and will offer, upon designation as an ETC in Missouri, all the services and functionalities required by 20 CSR 4240-31.015- and Section 45.101(a)(1)-(9) and Section 54.202(a) of the FCC's Rules (47 C.F.R. § 54.101(a)). yondoo Broadband currently offers fiber Internet access service and interconnected VoIP service to its subscribers. yondoo Broadband submitted an application to become registered as an interconnected VoIP provider in the state of Missouri on February 11, 2021. All Internet services meets the FCC definition of Broadband (i.e. 25 mbps download/3 mbps upload). yondoo Broadband will use the RDOF Phase I funding to provide speeds up to 1Gbps. Such speeds will be offered throughout the CBG being built out using the RDOF Phase I funding. yondoo Broadband will also offer local exchange service via interconnected VoIP throughout the census blocks.

2. yondoo Broadband Requests Designation In its Proposed RDOF Phase I Service Area in Missouri.

The FCC adopted a census block methodology for designating a service area for the RDOF I Auction. yondoo Broadband requests ETC designation for a service area that includes the census block group areas of Missouri on the attached Exhibit A, which identifies the census block groups for which funds were allocated through the RDOF I Auction.

3. yondoo Broadband will offer services using its own facilities or a combination of its own facilities and resale

yondoo Broadband will use its own facilities to extend fiber and build out the census blocks allocated through the RDOF I auction. yondoo Broadband has deployed a fiber-network and has partnered with Momentum to offer interconnected VoIP services over its network.

4. yondoo Broadband will advertise availability of service and its price, using media of general distribution.

yondoo Broadband will advertise the availability of the supported services throughout its designated service areas using media of general distribution in a manner that is designed to reach those likely to qualify for such services. yondoo Broadband agrees to comply with all form and content requirements, if any, promulgated by the FCC and the Commission in the future as required of all designated ETCs.

yondoo Broadband advertises its services using many platforms, including newspapers, direct mailings, radio ads, information on yondoo Broadband website, press releases, and digital marketing campaigns. Pricing and availability information can be found at <http://www.yondoobb.com/>

5. yondoo Broadband will comply with applicable Federal service requirements.

yondoo Broadband certifies that it will comply with the service requirements applicable to the support that it receives, including the requirements of the RDOF I Auction.⁹

6. yondoo Broadband's ability to remain functional in emergency situations.

yondoo Broadband certifies that its fiber optic network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure

⁹ 47 C.F.R. § 54.202(a)(1)(i).

functionality without an external power source, will be able to reroute traffic around damaged facilities, and will be capable of managing traffic spikes resulting from emergency situations.¹⁰ yondoo Broadband's fiber optic network will support telephone service using VoIP technology and will support all phone features, including E-911 services.

7. yondoo Broadband will satisfy applicable consumer protection, consumer privacy, and service quality standards.

yondoo Broadband will satisfy all consumer protection and service quality standards as provided in 47 C.F.R § 54.202(a)(3), and all applicable state specific consumer protection and service quality standards. yondoo Broadband follows applicable federal and state service quality and consumer protection rules.

yondoo Broadband provides the following to demonstrate its concern for consumer protection and service quality standards. yondoo Broadband complies with quality of service requirements including monitoring and reporting service quality metrics where required. yondoo Broadband has implemented numerous consumer protection measures to protect customer information. For example, yondoo Broadband implemented Customer Proprietary Network Information ("CPNI") policies and procedures that are consistent with the FCC's regulations. Employees are required to complete CPNI training and in addition, employees who have access to CPNI data receive additional guidance through written procedures regarding customer authentication. Annually, all employees are required to review yondoo Broadband's Business Code of Conduct which includes information and requirements on protecting sensitive customer information from improper use and disclosure. yondoo Broadband's privacy and security policies are reinforced through periodic training required of all employees. Additional consumer protection

¹⁰ 47 C.F.R. § 54.202(a)(2).

measures include yondoo Broadband's use of a third -party verifier to prevent unauthorized presubscribed interexchange carrier (PIC) changes ("Slamming") and the fact that there are no billing and collection arrangements that could have potentially allowed unauthorized third-party charges to be added to customer's bills ("Cramming").

8. Description of rates, terms and conditions of proposed voice telephony service to be supported as Lifeline or Disabled services.

As required by 47 C.F.R. § 54.101, yondoo Broadband will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities:

Voice Grade Access To The Public Switched Telephone Network – yondoo Broadband meets this requirement through its provision of an interconnected VoIP service packages that include minutes of use for local service provided at no additional charge beyond the package price and applicable taxes and surcharges to end users (*i.e.*, plans are generally unlimited usage within the U.S.) and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations. yondoo Broadband will also provide toll limitation services to qualifying low-income consumers as provided in the Commission's Rules.¹¹

Broadband Internet Access Services – yondoo Broadband's broadband Internet access service provides the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.¹²

¹¹ 47 C.F.R. § 54.101(a)(1)

¹² 47 C.F.R. § 54.101(a)(2)

yondoo Broadband commits to provide these services consistent with applicable high-cost universal service support rules.¹³ yondoo Broadband will also offer Lifeline service as required by the FCC’s rules at all locations where it has been awarded support.¹⁴ yondoo Broadband will offer voice telephony as a standalone service and at rates reasonably comparable to urban rates.¹⁵ yondoo Broadband will not distinguish rates between the supported area and its current service area and certifies that it will comply with the “reasonably comparable rates” RDOF I requirement as part of its receipt of the RDOF I Auction funds.

9. Explanation of how yondoo Broadband intends to provide service through the proposed service area, including areas where the applicant lacks facilities or network facilities.

yondoo Broadband currently offers broadband Internet access service and interconnected VoIP service throughout its built-out service area today. yondoo Broadband will use the RDOF I Auction funds allocated to it, along with its own funds, to build out the awarded census blocks.

10. yondoo Broadband will ensure service will be provided in timely manner to requesting customers.

yondoo Broadband has been providing broadband Internet access service to subscribers in its service area since 2018 and has a long, established history of providing service in a timely manner in other areas of the country. In addition, the receipt of the RDOF I Auction funds includes stringent buildout milestones, including a requirement for 40% completion by the end of year 3, then 20% additional completeness per year through year 6. Then, winners have until the end of

¹³ 47 C.F.R. § 54.101(c)

¹⁴ 47 C.F.R. § 54.101(d)

¹⁵ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

year 8 to serve any additional locations not initially included in the CBG. Failure to meet these buildout milestones will result in escalating non-compliance penalties from the FCC.

11. yondoo Broadband is financially viable and technically capable of providing voice telephony service.

yondoo Broadband is financially viable and technically capable of providing the interconnected VoIP voice telephony service. yondoo Broadband applied with the Commission to become a registered interconnected VoIP provider on February 11, 2021. It has been offering broadband Internet access service since 2018. yondoo Broadband is financially and technically capable of providing the services.

12. Description of how yondoo Broadband will provide access to directory assistance, operator services and interexchange services.

Directory assistance, operator services and interexchange services are provided via a combination of yondoo Broadband's network and commercial wholesale agreements.

13. Further Certifications Required Under the Commission's Rules in 20 CSR 4240-2.060

- (a) According to 20 CSR 4240-2.060(1)(K), there are no pending actions or final unsatisfied judgments or decisions against yondoo Broadband from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of the application. Neither yondoo Broadband nor individuals associated with yondoo Broadband have a history of any disciplinary action.

- (b) Yondoo applied to become registered by the Commission on February 11, 2021. As such, it is not delinquent in any reporting or assessment obligations with the Missouri Commission.¹⁶

14. Participation in Lifeline or Disability program.

Pursuant to 20 CSR 4240-31.016, yondoo Broadband will offer Lifeline voice and broadband service throughout the eligible areas covered by its winning bids to qualifying low-income consumers. This service will include minutes of use for local service provided at no additional charge to eligible consumers (plans are generally unlimited usage within the U.S.). yondoo Broadband will offer Lifeline voice and broadband service to qualifying low-income consumers pursuant to the Commission's Lifeline rules.

15. Additional Certifications of Compliance.

Consistent with 20 CSR 4240-31.016(2)(B)6) of the Commission's rules yondoo Broadband certifies that it will notify the Commission of any change in company information, will comply with all reporting and assessment obligations and will comply with all FCC and Commission rules, including the ETC requirements found in 20 CSR 4240-31.015. yondoo Broadband applied with the Commission to become a registered interconnected VoIP provider and certifies it will comply with all requirements regarding such authority. Yondoo Broadband intends to seek support from Missouri USF at this time. yondoo Broadband has no delinquent reporting or assessment obligations to the Commission. yondoo Broadband has not sought and obtained a waiver of any ETC requirement from the FCC.

¹⁶ 20 CSR 4240-2.060(1)(L)

16. FCC High Cost Compliance.

yondoo Broadband commits to provide these services consistent with applicable high-cost universal service support rules.¹⁷ yondoo Broadband will also offer Lifeline service as required by the FCC's rules at all locations where it has been awarded support.¹⁸ yondoo Broadband will offer voice telephony as a standalone service and at rates reasonably comparable to urban rates.¹⁹

17. Ownership Information.

yondoo Broadband is wholly owned by MidAtlanticBroadband Inc. No individual or other entity has a 10% or more ownership interest in yondoo Broadband.

18. yondoo Broadband is compliant with contribution obligations to the Federal USF.

yondoo Broadband is compliant with filing and contribution obligations to the Federal USF.

19. yondoo Broadband commits to solely conduct business under name granted for ETC status.

yondoo Broadband commits to solely conducting business under the name granted for ETC status, which will be yondoo Broadband, LLC. yondoo Broadband will not use additional service or brand names.

V. DESIGNATION OF YONDOO BROADBAND AS AN ETC WOULD PROMOTE THE PUBLIC INTEREST

In the FCC's recent *Report and Order* concerning the Rural Digital Opportunity Fund program, the FCC described, "its goal of connecting all Americans, no matter where they live

¹⁷ 47 C.F.R. § 54.101(c)

¹⁸ 47 C.F.R. § 54.101(d)

¹⁹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

and work.”²⁰ As a winning bidder in the RDOF I Auction, yondoo Broadband is eligible to receive funding to bring high-quality voice and broadband services to consumers in underserved portions of Missouri. By selecting yondoo Broadband as a recipient of RDOF I Auction funds, the FCC has recognized that the voice and broadband services yondoo Broadband proposes to deploy with the funds would advance the goal of the RDOF I Auction, and thereby advance the goals of universal service.

Granting yondoo Broadband’s Application will serve the public interest through the deployment of broadband and voice services to unserved and underserved high-cost areas in Missouri, support investment in facilities and equipment, and expand the number of competitive providers serving rural areas in Missouri. Designating yondoo Broadband as an ETC will permit the company to receive RDOF I Auction funds designated for Missouri, directly advancing the goals of the FCC’s Rural Digital Opportunity Fund and the Auction. yondoo Broadband’s resulting deployments will bring expanded voice and broadband connectivity to rural areas in Missouri, helping to close the digital divide for residents of Missouri, and expanding economic opportunity for communities that will benefit from increased connectivity. Designating yondoo Broadband as an ETC will also help promote economic and job growth in Missouri through the employment of yondoo Broadband’s network of independent installers and dealers. Because granting yondoo Broadband’s Application will allow it to use the RDOF I funds as intended to expand voice and broadband service in Missouri, designating yondoo Broadband as an ETC is in the public interest.

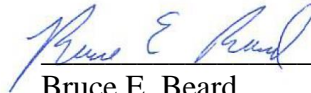
VI. CONCLUSION

²⁰ *RDOF Order at para. 1*

For the reasons stated herein, yondoo Broadband respectfully requests that the Commission designate yondoo Broadband as an ETC in the area identified in Exhibit A on an expedited basis and order such other relief as may be appropriate.

Respectfully submitted,

yondoo Broadband, LLC



Bruce E. Beard
Cinnamon Mueller
1714 Deer Tracks Trail
Suite 230
St. Louis, MO 63131
(314) 394-1535

Its Counsel

Dated: February 15, 2021

Exhibit A

List of Census Block Groups Where yondoo Broadband, LLC was Awarded RDOF I Auction Support

292214603004
291138101002

Exhibit B

Missouri Certificate of Good Standing

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CERTIFICATE OF GOOD STANDING

I, John R. Ashcroft, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

yondoo Broadband, LLC
FL001423790

A Virginia entity was created under the laws of this State on 4/24/2018, and is Active, having fully complied with all the requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, the 19th day of January, 2021.


Secretary of State

Certification Number: CERT-IN51272



Exhibit C

Current Director and Management Personnel of yondoo Broadband, LLC

Robert Steffen – VP Finance/Manager

John Long – COO/CFO/Manager

Willie Vereen – President

Keith Scarzafava – VP Network Operations

Exhibit D:
Key Personnel Exerting control over yondoo Broadband's day-to-day operations

Robert Steffen – VP Finance/Manager

John Long – COO/CFO/Manager

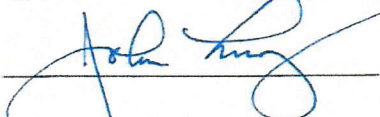
Willie Vereen – President

Keith Scarzafava – VP Network Operations

Exhibit E:
Affidavit

AFFIDAVIT

I, John Long, a natural person, do hereby swear and affirm that I am an officer or general partner of yondoo Broadband, LLC and that the information and statements contained in this application are true and correct to the best of my knowledge and belief. By signing this form, I hereby certify that neither I, nor any other members of this filing party, has had communications with a Commissioner, Commissioner Advisor, Regulatory Law Judge, member of the General Counsel or any member of their support team in the sixty (60) days prior to the filing date of this application regarding any substantive issue included in this filing. If any communication of this sort has occurred in the previous sixty (60) day period, I further certify this application was held until sixty (60) days have passed from the date of the subject communication, or we have requested a waiver for good cause as allowed by Commission Rule 20 CSR 4240- 4.017(1)(D).

Signature: 

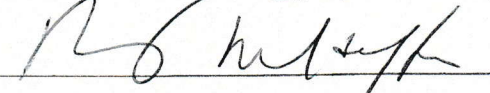
Printed Name: John Long

Title: COO/CFO/Manager

State of Maryland

County of Baltimore City

Subscribed and sworn before me this 12th day of February, 2021.

Notary Public 

Robert M. Steffen
NOTARY PUBLIC
BALTIMORE CITY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 23, 2022