

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

Aristotle Unified Communications LLC)	
)	
)	Docket No.
Application for Designation as a Eligible)	
Telecommunications Carrier for Purposes of)	
Receiving Federal Universal Service Support)	
For the purpose of receiving support from)	
the FCC Connect America Fund – Phase II)	
)	

**APPLICATION OF ARISTOTLE UNIFIED COMMUNICATIONS LLC FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Now comes Aristotle Unified Communications LLC (“AUC”) and pursuant to the Telecommunications Act of 1996, 47 U.S.C. §214(e)(2) (the “Act”) and the rules of the Federal Communications Commission (“FCC”) 47 C.F.R. §54.201, hereby requests that the Missouri Public Service Commission (“Commission”) designate AUC as a telecommunications carrier eligible under the provisions of Section 54.201(d) to receive federal universal service support. AUC seeks ETC designation in order to receive support from the Connect America Fund (“CAF”) Phase II.

AUC is an Arkansas limited liability company incorporated by L. Elizabeth Bowles, having a principal place of business and mailing address of 401 West Capitol Ave., Suite 700, Little Rock, Arkansas 72201.¹ By *Public Notice* dated August 28, 2018, the FCC provisionally selected ArisWave Consortium for twenty-nine (29) census blocks in Missouri.² ArisWave Consortium was formed by AUC and New Wave Net Corp., a central Illinois Broadband services provider, in order to participate in the CAF auction.

¹ The Company will submit its Application to transact business in Missouri as a foreign limited liability company and will supplement the record once it is complete.

² *Connect America Fund Phase II Auction (Auction 903) Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018*, WC Docket No. 10-90, DA 18-887 (August 28, 2018).

AUC respectfully requests that the Commission expeditiously grant this Application. Pursuant to the Public Notice, “by February 25, 2019, the long-form applicant must obtain from all the relevant states or the Commission a high cost ETC designation(s) that cover its winning bid areas.”³ Thus, in order to ensure the Company is eligible to obtain federal universal service fund (“USF”) support necessary to expand its high-speed broadband and voice services to the residents of rural Missouri, the Company respectfully requests designation on an expeditious basis, and no later than February 20, 2019. For the reasons stated below, designating AUC as an ETC is consistent with statutory and regulatory requirements and the public interest.

Connect America Fund Phase II Auction

The CAF Phase II auction program was implemented in 2016 as part of the FCC’s reform and modernization of its high-cost universal service support program in order to provide expanded access to voice and broadband services in high-cost areas. On February 1, 2018, the FCC adopted final rules for the auction, which utilized competitive bidding to allocate up to \$1.98 billion of support over 10 years (Auction 903).⁴ On August 28, 2018, the FCC announced that ArisWave Consortium was one of the auction winners for Missouri with winning bids covering seven hundred eighty-eight (788) locations in twenty-nine (29) designated Census Blocks.⁵ All of these census blocks were assigned to AUC during the post-auction process.

³ *Connect America Fund Phase II Auction (Auction 903) Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018*, WC Docket No. 10-90, DA 18-887 (August 28, 2018) at fn. 11 (“Winning Bidder Announcement”).

⁴ See *Public Notice*, “Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903, 33 FCC Rcd 1428 (2018) (“Phase II Auction Procedures Public Notice”).

⁵ See *Winning Bidder Announcement*.

Recipients are required to offer voice and broadband service at or above specified performance levels and must offer Lifeline in the designated census blocks. Recipients must deploy service to 40 percent of the locations by year three of the program, 60 percent by year four, 80 percent by year five and 100 percent by year six.⁶ Recipients not meeting these milestones will be subject to a reduction in support.⁷

Pursuant to the *CAF II Auction Procedures Public Notice*, winning bidders must be deemed financially qualified, as evidenced by the submission of a letter of credit commitment letter by November 5, 2018, and a letter of credit and opinion letter by February 25, 2019, that ensures and confirms the FCC's ability to recover funds in the event of non-compliance with program requirements.⁸ Winning bidders also must submit a detailed technology and system design description, including a network diagram that must be certified by a professional engineer.⁹ The professional engineer must certify that the network can deliver voice and broadband service that meets the requisite performance requirements to at least 95 percent of the required number of locations in each relevant state.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

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⁶ See 47 C.F.R. § 54.310(c).

⁷ See 47 C.F.R. § 54.320(d).

⁸ See 47 C.F.R. § 54.315(b)(3). See also *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) ("*Phase II Auction Order*").at Appendix B.

⁹ Id.

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I. Introduction / Description of Company

Company Background

AUC is a broadband Internet Service and Voice-over-IP Phone systems provider with headquarters in Little Rock, Arkansas. An Affidavit of L. Elizabeth Bowles, the President & Chair of AUC, supporting this Application is attached as Exhibit A. An Organizational Chart for the Company is attached as Exhibit B. AUC was formed in 2010 in order to provide fixed wireless broadband to underserved communities and rural areas in Arkansas. In 2016, AUC began offering VoIP telephone service to area businesses using a hosted PBX solution. AUC currently serves the Central Arkansas area, including the metropolitan area of Little Rock, and the surrounding rural areas of

Scott, England, Keo, Vilonia, Greystone Subdivision of Cabot, East End, Shannon Hills, Sardis, Alexander, and Wrightsville, Arkansas.

Pursuant to 4 CSR 240-31.130(1)(C), the Applicant states the following:

L. Elizabeth Bowles, the President and Chair of Aristotle Unified Communications is the only individual or entity having a ten (10) percent or more ownership interest in the applicant. Ms. Bowles and Mr. Terry D. Norris exert managerial control over the Applicant's day-to-day operations, policies, service offerings, and rates.

Aristotle Inc., Aristotle.Net Inc. and Aristotle Interactive share common ownership and management with AUC. Aristotle.Net formerly offered broadband services. That service line has since been moved to AUC.

No matters have been brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against the Applicant, any person or entity that holds more than a ten percent (10%) ownership interest in the applicant, any affiliated company (any company under common management ownership or control, or that, by contract or other agreement performs any of the functions necessary to the applicant's Lifeline Service), that involves any aspect of state or federal Universal Service funds and programs, or any matter involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction.

In 2018, AUC was awarded \$12.2 million in Phase II Connect America Funds to provide broadband to rural areas in five states: Arkansas, Illinois, Mississippi, Missouri, and Oklahoma. AUC is committed to providing broadband to unserved and underserved rural communities. AUC has a community-based partnership and promotions strategy

that uses existing infrastructure (such as water towers) to lower development costs and donates connections to essential community stakeholders such as fire departments, senior services centers, and police stations, which in turn expands access locally. Additionally, AUC works with state and local leaders, agencies, and regional associations to deliver broadband to underserved citizens.

Originally founded in 1995, AUC's parent company, Aristotle.Net, Inc., was one of the first companies to take on the new World Wide Web, providing web development, digital marketing, hosting, email and dial-up internet access services to a nationwide client base. Maintaining a start-up mentality throughout the years, the teams at Aristotle thrived by continually innovating, adapting, and overcoming. Aristotle.Net, Inc. partners with AUC to provide hosting and email services to AUC's broadband customers.

Pursuant to 47 CFR 240-31.130(1)(B10), Applicant will ensure that service will be provided in a timely manner to requesting customers. As described above, AUC's selection for support pursuant to the CAF II program is conditioned upon completing build-out milestones. AUC's deployment will be confirmed through regular progress reports to the FCC. AUC will meet the required CAF II buildout milestones and will provide service to requesting customers in a timely manner when service is requested and where service is available.

A. Applicant has the Financial and Technical Capabilities to Provide the Supported Services.

AUC has the financial and technical capabilities to provide USF supported services in Missouri. In addition to the descriptions of its VoIP and fixed wireless broadband services described below, a description of the Company's network architecture is included as Exhibit C. A copy of the resumes of key Company personnel

is included as Exhibit D. A copy of the Company's CONFIDENTIAL financial documents is included as Exhibit E.

VoIP Information

AUC runs, manages, and maintains a facilities-based VoIP platform (soft switch) on Company owned server hardware housed at its data center. The Company's platform runs on a Linux Operating System alongside proprietary software. This allows multi-tenant software solution that AUC hosts in the network so its customers will not require their own on-premises IP-PBX. The system allows AUC to deploy full-featured end-user services in a scalable, fault-tolerant, and resilient way. The AUC system is highly scalable, such that the Company can purchase additional licenses as it grows its customer base. The AUC system can scale well into the tens of thousands of concurrent calls and higher by adding additional hardware to meet concurrent call requirements. With easy scalability, it is possible to service tens-of-thousands of end-users without deploying SIP session-border-controllers, ALGs, or proxies from any other vendor.

The AUC platform acts as a Registrar and provides secure Registration and Authentication capabilities with the ability to request proper credentials. Statistics are collected and viewable for all registered users and devices. AUC uses SIP authentication and registrations are stored internally and not via a 3rd-party provider or database.

The Company maintains a secure database. If something goes wrong, AUC's redundant procedures prevent system outages and AUC customers can still make calls.

The Company's services include NOC tool and monitoring systems that support monitoring, statistics, and reports that provide real-time data on performance, traffic statistics, usage, and more.

Pursuant to 4 CSR 240-31.130(1)(B)13, the Company states that directory assistance, operator services and interexchange services are provided through a combination of the AUC network and commercial wholesale agreements.

Fixed Wireless Broadband Information

AUC utilizes a wireless ring network with fixed base stations (access nodes) running at the 1+0 and/or 4+0 on the licensed 11 GHz or 5 GHz spectrum. This network will have 99.99% uptime and availability due to its ring structure.. The technologies include fiber and/or fixed wireless (11 GHz or 5 GHz) for interconnection (backhaul) and fixed wireless— either 3.5 (CBRS), 2.4 GHz, 2.5 GHz (EBS), 5 GHz, TVWS, or 60 GHz—for last-mile service.

AUC will provide voice services through a hosted VoIP on premise server solution. The PBX is hosted by AUC at its hosting facilities. Those facilities provide 99.999% uptime. In addition, the NOC has a 10 Gig connection to the Internet peered directly at Equinix in Chicago. The PBX server has multiple RAID levels for redundancy, and AUC maintains a “hot” backup in the event of a server failure. AUC offers 24/7 technical support. End users can use third-party VOIP-enabled phones, mobile phones, and/or computers to send and receive calls. The service includes E911, an online interface for account management, and voicemail-to-email functionality.

AUC will provide broadband Internet access service through an antenna installed on the customer premise that will connect through a radio at a central tower. The tower will either connect directly to the internet via a fiber or will connect to another fiber-fed tower via fixed wireless.

Voice and Broadband Plans

AUC's residential digital voice service plan is \$24.99 per month. Lifeline customers will receive the \$9.25 benefit, lowering the price to \$15.74 per month. The customer can use its own VoIP-enabled phone, pay an additional fee to use the service's mobile app, or purchase a phone from AUC. Lifeline customers will receive all of the same features as a non-Lifeline customer. Features include call waiting, caller ID, call forwarding, call transfer, voicemail, and free long distance in the U.S. and Canada.

AUC deploys the latest in fixed wireless broadband technology. The Company offers high speed connectivity with military grade security and adjustable speeds to both residences and business in its coverage area. AUC offers the following broadband plans:

Broadband			
	Speed	Price	Lifeline Pricing
Basic	3 Mbps Download / 1 Mbps Upload	\$29.99	N/A
Standard	6 Mbps Download / 2 Mbps Upload	\$59.99	N/A
Advanced	10 Mbps Download / 3 Mbps Upload	\$64.99	N/A
Pro	15 Mbps Download / 3 Mbps Upload	\$74.99	N/A
Elite	20 Mbps Download / 3 Mbps Upload	\$85.00	\$75.75
SOHO	25 Mbps download / 5 Mbps Upload	\$93.81	\$84.56
Custom	30+ Mbps Download / Customized Upload Speeds	Custom	

<https://www.aristotleisp.com/connectivity/broadband/pricing/>

Lifeline Implementation

AUC will implement Lifeline based on the current rules and regulations established by the FCC and administered by USAC. AUC will follow the most recent Report and Orders and Lifeline Reform Order. The customer will have an option of a residential VoIP only package, Internet package of 18/2 or higher, or a bundled voice and Internet package. AUC will price its Lifeline service at \$9.25 less than its equivalent non-Lifeline service. Therefore, AUC's Lifeline service will represent a dollar-for-dollar reduction from its comparable non-Lifeline rate and will represent a pass-through of the full amount of support to the qualifying low-income consumer. AUC will allow customers to apply the Lifeline subsidy, on a full pass-through basis to packages of voice and broadband services.

AUC will build a dedicated Lifeline landing page with detailed information, how to apply, and how to contact USAC. Links to the application and worksheet, both English and Spanish, for each state will be available for download. AUC customer service agents will be trained to help customers fill out the form and send them to us.

Along with the application, AUC will have a cover sheet with information on how to contact AUC for help, how to send the application to AUC (both electronically and by mail), and what additional information AUC need from the customer. Additional information will include a copy of their current driver's license, copy of their paycheck stubs/SNAP card/Medicaid card/SSI statement/Tribal program, etc., what service(s) they are interested in, and how they heard about AUC.

Upon receipt of the filled-out application, AUC's Customer Service Department will process the application through NLAD and let the customer know if they qualify or

don't qualify for Lifeline. Additionally, the customer service representative will determine if the customer is in the network. Based on their qualification status, services they are interested in, and if service from AUC is available in their area, the appropriate packages will be offered to the customer for sign up and installation will be scheduled.

AUC will submit monthly reimbursement reports to USAC, and will work with USAC on re-certifying any current customers. All documentation related to the customer and Lifeline will be maintained while the customer is with AUC and for three years after they change providers.

II. The Commission has Authority to Grant the ETC Designation Requested by AUC.

Section 214(e)(2) of the Act gives authority to State commissions to designate a common carrier as an eligible telecommunications carrier for a service area designated by the State commission. Pursuant to the Missouri Code of State Regulations, an eligible telecommunications carrier (ETC) is defined as "a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C."¹⁰ An application for ETC designation shall be deemed to be acceptance of commission jurisdiction over any issues related to ETC status and USF funding and acceptance of all commission rules pertaining to universal service.¹¹

III. Commitments Regarding the Applicant's Proposed Participation in the Lifeline Program Pursuant to 4 CSR 240-31.130(1)(D).

1. Applicant certifies that all funding will flow through to the subscriber of the applicable program.
2. Applicant commits that it will solely conduct business using the name or "DBA" under which the commission granted ETC designation. The Applicant will not use additional service or brand names;

¹⁰ 4CSR 240-31.010(5).

¹¹ Id. at 31.130(2)(B).

3. Applicant commits that it will comply with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E.
4. Applicant commits that it will comply with all requirements contained in Chapter 31 of the Code of State Regulations, whether funded solely through the FUSF or through the FUSF and the Missouri Universal Service Fund (MoUSF);
5. Applicant does not intend to seek support from the MoUSF.
6. Applicant will ensure that the full amount of Lifeline support will be passed through to the qualifying low-income consumer. AUC will price its Lifeline service at \$9.25 less than its equivalent non-Lifeline service. Therefore, AUC's Lifeline service will represent a dollar-for-dollar reduction from its comparable non-Lifeline rate and will represent a pass-through of the full amount of support to the qualifying low-income consumer. AUC will allow customers to apply the Lifeline subsidy, on a full pass-through basis to packages of voice and broadband services.
7. AUC will be using the mandatory Universal Consumer Form that USAC has created. It is located on USAC's website here: <https://www.usac.org/li/tools/forms/default.aspx>. Once USAC moves MO into the National Verifier system, we will transfer to that form. More information about the Universal Consumer Form is located here: <https://www.usac.org/li/program-requirements/verify-eligibility/lifeline-forms.aspx>.
8. AUC will have a landing page with information about Lifeline with links to the application and worksheet in both English and Spanish. When AUC is out in the community, the team will have marketing materials on hand about Lifeline along with the application and worksheet.

USAC requires AUC to get copies of 3 months' worth of pay stubs, SNAP card, Medicaid card, SSI statement, and any additional paperwork that shows they meet the requirements.

AUC will require a copy of their driver's license. If NLAD cannot verify the address based on USPS's database and AUC cannot get that error resolved with USAC, the subscriber will not qualify for Lifeline.

USAC provides a Household worksheet that consumers must fill out if someone in their physical household already receives Lifeline benefits.

USAC limits Lifeline benefits for households that share financial resources. So, if two people are living in a house or apartment but do not share both income and household expenses, they both can apply for the Lifeline benefit.

9. AUC will not receive universal service support until the subscriber activates the service. AUC will enroll the subscriber upon activating the customer in the Company's system.

AUC will pull monthly usage reports on Lifeline customers to make sure they are using the service(s). If they are not, we will contact them and to make sure there isn't anything wrong. If there isn't an issue, we will inform them that they will be de-enrolled from Lifeline and their monthly bill be increased by \$9.25. If the subscriber would like to move to another plan, we will do that for them. If the customer no longer wants our service, we will end their services.

If the customer is not using the service(s) and also not paying their bill, we will immediately de-enroll them in NLAD and terminate their services with us.

10. AUC will elect to have USAC perform the re-certification process starting in 2020. USAC has closed the window for service providers to elect to have USAC perform the re-certification process in 2019. Since AUC will not be signing up customers until the first quarter in 2019, this should not be a problem. USAC opens the re-certification window in the 3rd quarter.

AUC will get a report from USAC on the results of their re-certifying process and we will update our records and NLAD promptly. USAC requires that an ETC de-enroll a subscriber within one business day from finding out about their ineligibility.

11. AUC will use their own employees to sign-up subscribers to the Lifeline or Disabled program. If AUC does decide to use independent contractors to sign-up subscribers to the Lifeline or Disabled program, AUC will make sure they are properly trained and will take responsibility for them and their activities as if they were a legal employee of AUC. The independent contractor will have an AUC manager that they will report to that will be knowledgeable in all applicable laws and rules concerning the Lifeline or Disabled programs and any additional relevant laws and rules. The AUC manager will review all applicants to ensure they are properly filled out and that AUC has all of the required documents. Any issues will be identified and resolved immediately. If there are any issues or complaints with the independent contractor, the person will be replaced with another contractor or an AUC employee.

IV. Commitments Regarding 4 CSR 240-31.130(1)(E).

Pursuant to 4 CSR 240-31.130(1)(E)1, AUC commits to notifying the Missouri Public Service Commission of any change in its company contact information from that in this Application.

Pursuant to 4 CSR 240-31.130(1)(E)2, Applicant states that it is in the process of registering as a VoIP provider pursuant to the Commission's rules.

Pursuant to 4 CSR 240-31.130(1)(E)3, Applicant states that it is compliant with filing and contribution obligations to the Federal Universal Service Fund.

Pursuant to 4 CSR 240-31.130(1)(E)4, Applicant states that it has not sought and obtained a waiver of any ETC requirement from the FCC.

V. Federal Act

Pursuant to Section 214(e)(2) of the Act, a state commission may, upon its own motion, or upon request, designate a common carrier to be an "eligible telecommunications carrier" for purposes of receiving universal service support under the Act. Section 214(e)(2) also requires that the carrier designated meet the requirements of Section 214(e)(1). Section 214(e)(1) states:

A common carrier designated as an eligible telecommunications carrier... shall be eligible to receive universal service support in accordance with section 254 and shall, throughout the service area for which the designation is received -

(A) offer the services that are supported by the Federal universal service support mechanism under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the service offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefore using a media of general distribution.

Section 54.201(b) of the FCC's Rules states that the Commission shall, on its own motion or upon request, designate a common carrier an ETC so long as the carrier meets the requirements of Section 54.201(d), which restates the requirements found in Section 214(e)(1) of the Act. Section 214(e)(2) of the Act and Section 54.201(c) of the FCC's Rules state that the Commission may, in the case of an area serviced by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area the Commission designates, provided each additional requesting carrier satisfies Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's Rules. Before designating an additional ETC for an area serviced by a rural telephone company, the Commission shall find that such designation is in the public interest.

A. Designated Service Area

Section 214(e)(2) of the Act states that an ETC shall be designated for a "service area" by the state commission. Pursuant to the *Public Notice*, the FCC provisionally selected AUC (via ArisWave) as a recipient of CAF Phase II funding for seven hundred eighty-eight (788) locations in twenty-nine (29) designated Census Blocks of Missouri. AUC is required to receive designation as an ETC from this Commission for each of those census blocks by February 25, 2019 in order to receive the CAF Phase II funding. The list of census blocks that comprise its proposed service area is attached as Exhibit F.

Requirements for ETC Designation

B. AUC will offer the services that are supported by federal universal service support mechanisms throughout the service area for which ETC designation is received.

AUC is a common carrier for purposes of obtaining ETC designation under 47 U.S.C. § 214(e)(1). AUC commits to provide (i) voice grade access to the public switched telephone network (“PSTN”) or its functional equivalent; (ii) minutes of use for local service provided at no additional charge to end users; (iii) access to emergency services; and (iv) toll limitation services to qualifying low-income consumers as provided in accordance with 47 C.F.R. §§54.400 *et seq.*

i. Voice grade access to the public switched telephone network

In its *USF/ICC Transformation Order*, the FCC modified the definition of a supported service to a technologically-neutral approach, allowing companies to provision voice service over any platform, including the PSTN and IP networks.¹² Thus, the FCC amended Section 54.101 to specify that the functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent.¹³ The FCC further explained that increasingly “consumers are obtaining voice services not through traditional means but instead through interconnected VoIP providers offering service over broadband networks.”¹⁴ Interconnected VoIP services “allow customers to make real-time voice calls to, and

¹² *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, 26 FCC Rcd 17663, 17692-93 (2011) (“*USF/ICC Transformation Order*”).

¹³ *Id.*; See also 47 C.F.R. §54.101(a).

¹⁴ *USF/ICC Transformation Order* at ¶63.

receive calls from, the PSTN, and increasingly appear to be viewed by consumers as substitutes for traditional voice telephone services.”¹⁵ Thus, the FCC concluded that its authority to promote universal services in this context “does not depend on whether interconnected VoIP services are telecommunications services or information services under the Communications Act.”¹⁶ AUC will therefore provide voice-grade access to the PSTN by providing interconnected VoIP service throughout the designated service area.

ii. Minutes of Use

“Local usage” means an amount of minutes of use of exchange services, prescribed by the FCC, provided free of charge to end users.”¹⁷ The FCC has not specified a minimum amount of local usage that an ETC must offer. AUC will meet the local usage requirement by including local usage in its rate plans. The Company will comply with any minimum local usage requirements adopted by the FCC or this Commission.

iii. Access to emergency services

ETCs are required to provide access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911(“E 911”), to the extent the local government in an ETC's service area has implemented 911 or enhanced 911 systems. AUC will provide access to emergency services by providing 911 and E911 for all of its customers to the extent that the local governments in its designated service areas have implemented 911 and E911. AUC has a

¹⁵ Id.

¹⁶ Id.

¹⁷ 47 C.F.R. § 54.101(a)(2).

contract with Vitality for E-911 services. Vitality also provides number porting and new numbers. Pursuant to 4 CSR 240-31.130(1)(B)11, Applicant commits to remit the required, collected 911 revenues to local authorities.

iv. Toll limitation for Qualifying Low-Income Consumers

AUC does not distinguish between toll and non-toll for its voice offering. To the extent AUC offers a service that distinguishes between toll and non-toll calls, it will offer toll limitation to qualifying low-income consumers at no additional charge.

C. Broadband Internet Access Service

Pursuant to 47 C.F.R. 54.101(a)(2), AUC will provide broadband services with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

In the CAF Phase II auction, the FCC permitted bidders to select from among four performance tiers (for speed and data usage) and two latency tiers. For its Missouri Census Blocks, AUC committed to offer 25 Mbps download and 3 Mbps upload. In all designated Census Blocks, AUC will provide low-latency service of 100 milliseconds or better.

D. AUC will comply with the requirements of 47 USC 214(e)(1).

AUC commits to, throughout its service area: (A) offer supported services “either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier)” and (B) advertise the availability of such services and the charges therefor using media of general distribution

- i. AUC will use its own facilities to provide the supported services

AUC provides high-speed broadband and digital telephone services to residential, commercial, and enterprise customers utilizing a combination of unlicensed and licensed frequencies. AUC has deployed a next generation fixed wireless network targeting rural markets outside of metropolitan areas that are either unserved or underserved. AUC will provide supported services using its network infrastructure, consisting of last mile connections and network equipment and components. It will also utilize its own facilities to provide backhaul for interconnection via a combination of fiber and wireless microwave technologies.

- ii. AUC will advertise the availability of its service throughout its service area.

AUC 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. AUC agrees to comply with all form and content requirements, if any, promulgated by the FCC and this Commission in the future and required of all designated ETCs, including by disclosing the Applicant's name, that the service is a Lifeline service, that it is a government assistance program, that the service is non-transferable, and that it is available only to eligible consumers and limited to one discount per economic household.

E. AUC will comply with the FCC’s additional eligibility criteria contained in 47 CFR §54.202.

- i. AUC certifies that it will comply with the service requirements applicable to the support that it receives;

AUC certifies that it will comply with the service requirements applicable to the support that it receives.¹⁸ AUC commits to provide supported services throughout the designated service area by committing to provide service to customers who make a reasonable request for service. AUC will commence offering service to all qualified consumers after it is certified as an ETC and soon after it receives ultimate approval from the FCC pursuant to applicable build-out requirements.

- ii. Applicant will provision service that is able to remain functional in emergency situations within industry standards for VoIP services;

AUC will provision service with sufficient back-up power to remain functional without an external power source in emergency situations. AUC is able to re-route traffic around damaged facilities and will be able to manage traffic spikes resulting from emergency situations. Applicant uses solar battery back-up power in the field and battery backup power at its NOC for wireless service. The Company’s data center is colocated at by Expedient. Expedient maintains primary power with redundant generator back-up power with full redundancy for both connectivity and power.

AUC’s VoIP service requires an Internet Protocol (IP) connection to the Company’s network or public Internet and 120VAC power to function. In the event of a failure of the IP connection or the local AC power, the service, including the E911 feature, will not function. Upon activation of a customer, AUC will provide the customer with a notification containing clear instructions on the use of emergency services. AUC’s

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VoIP service is not specifically used as a nomadic device. Customers can, through mobile applications, move the device to different locations. The end users registered service address is the only location at which the subscriber is authorized to use the service. The service will work if the device is moved to another location within the US and connected to a public internet connection; however, this is only authorized when the subscriber updates their service address prior to using the service at the new location by calling the Company's customer service toll free telephone number (800) 995-2747). AUC service includes enhanced 911 services (E911). When service is initially provisioned, and any time the subscriber's service address is updated, the service location is automatically transmitted to a third party E911 provider who geocodes the address, associates it with a local Public Safety Answering Point (PSAP), provides an electronic positive affirmation that the address was properly geocoded, and stores the record on our behalf. When a subscriber dials 911, the call is routed to the third party 911 provider and then from there to the local PSAP. The location information is transmitted in the call signaling to the local PSAP, and is visible to the operator in E911 enabled PSAPs. In jurisdictions where an E911 service fee is imposed on Interconnected VoIP Services by law, the fee is passed through to the end user and remitted to the local authority in accordance with applicable policy.

iii. AUC will satisfy consumer protection and service quality standards.

Upon designation as an ETC, AUC will satisfy all consumer protection and service quality standards as provided in 47 C.F.R § 54.202(a)(3), as well as all applicable state specific consumer protection and service quality standards.

F. Designation of AUC as an ETC is within the public interest.

Designation of AUC as an ETC will serve the public interest by facilitating the FCC's goal of developing voice and broadband networks in rural, high-cost areas. Under the 1996 Act, "upon request and consistent with the public interest, convenience and necessity" the Commission shall "designate more than one common carrier as an eligible telecommunications carrier for a service area designated" by the Commission.¹⁹ Before such a designation, the Commission shall find that the designation is in the public interest.²⁰ In its *2005 ETC Order*, the FCC determined that the benefits of increased consumer choice, and the unique advantages of the applicant's service offering are components of a public interest analysis.²¹

Expedited designation of AUC will serve the public interest by ensuring that the company is eligible to receive federal USF support, including through the FCC's high-cost programs. AUC will use this funding to directly advance the FCC's goal of deploying voice and broadband-capable networks in rural, high-cost areas while ensuring that rural consumers and anchor institutions benefit from innovations in communications technology. In particular, AUC will use federal USF support to expand access to high-speed, high-quality broadband and voice provided through interconnected VoIP and fixed wireless for residents of rural Missouri. These advanced communications services will provide important connectivity to consumers, businesses, and community anchor institutions, including rural schools, libraries and

¹⁹ 47 C.F.R. 54.201(c).

²⁰ *Id.*

²¹ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 05-46, 20 *FCC Rcd* 6371, 6389 (rel. Mar. 15, 2005) ("*2005 ETC Order*").

medical facilities and are a unique alternative to services provided by traditional wireline carriers within the Company's designated service area. Absent designation as an ETC, the federal funds will not come to Missouri and instead will be reallocated to a later FCC CAF program.

Designation of AUC as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and incenting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service quality for residents of underserved communities in rural areas of the State. AUC's services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.

Having invested significant resources in rural Missouri to provide consumers with high-quality, high-speed broadband and voice services, AUC is well positioned to efficiently use federal *CAF Phase II* funding to expand its communications infrastructure and service offerings. The company will be able to use federal *CAF Phase II* funding to effectively expand the company's broadband and voice-enabled networks for the benefit of the residents, businesses, and community anchor institutions in rural areas of Missouri.

VI. Expedited Relief Requested

For the reasons set forth above, AUC respectfully requests (i) an expeditious Order no later than February 20, 2019 designating the Company as an ETC in

Missouri for the purpose of being eligible to receive federal funding pursuant to the Connect America Fund – Phase II; and (ii) such other relief as this Commission deems to be just and equitable.

Respectfully submitted,

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Application was served by electronic mail or U.S. Mail, postage prepaid, this 19th day of November, 2018 upon the following:

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s/ Kevin D. Rhoda _____

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