

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

In the Matter of the Petition)	
of PD Fiber, LLC)	
for Designation as an)	
Eligible Telecommunications Carrier)	<u>Case No. DA-2021-0190</u>
Pursuant to Section 214(e)(2))	
of the Communications Act)	
Of 1934, as Amended)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

1. On January 4, 2021, PD Fiber, LLC, (Company or PD Fiber) filed a *Petition of PD Fiber, LLC for Designation as an Eligible Telecommunications Carrier* with the Commission requesting that the Commission issue an order granting the Company eligible telecommunications carrier (ETC) status for the purposes of receiving federal high-cost and low-income support for specific census blocks and ETC status for the purpose of receiving solely federal low-income support for certain other census blocks. The Company’s request, if approved, would permit it to receive federal support pursuant to the Rural Digital Opportunity Fund (RDOF) auction held by the Federal Communications Commission (FCC). The company also seeks support through the Missouri Universal Service Fund (MoUSF) for Lifeline and Disabled program purposes.

2. The RDOF program is part of the FCC’s attempt to bridge the digital divide. It seeks to expand high-speed broadband service to rural homes and small businesses presently lacking the service. Phase one of the auction began October 29, 2020, and targeted over six million homes and businesses unserved by voice and broadband speeds with downloads of at least 25 Mbps. Phase two of the auction will cover areas

that are partially unserved and those areas not covered in Phase one. Winning bidders must submit to the FCC proof of their ETC status within 180 days of being announced as a winning bidder.

3. The Company is presently registered in the state of Missouri as an interconnected voice over internet protocol (VoIP) service provider. The Company included Exhibits A1 and A2 with its *Petition*, which outline the specific census blocks for which it requests ETC designation.

4. Commission rule 20 CSR 4240-31.016 governs the specific eligible telecommunications carrier requirements that each applicant must meet. Applications must also comply with 20 CSR 4240-2.060 and shall be verified by oath as to the truthfulness contained in the application by an officer or director of the applicant.

5. The FCC requires all winning bidders to submit a Long Form that includes information about a company and its plans to fulfill its bid requirements, which must be approved prior to a company receiving any funds. The ETC process under 20 CSR 4240-31.016 does not address and is not designed to assess a company's technology broadband speed and latency capabilities.

6. Staff conducted an investigation and has provided a memorandum attached to this pleading as Appendix A. Staff's memorandum outlines the reasons why Staff believes PD Fiber has met the requirements of 20 CSR 4240-31.016 and should receive ETC designation.

7. PD Fiber sought waiver of the 60 day notice requirement pursuant to the Commission's rule 20 CSR 4240-4.017. Staff recommends that the waiver be granted.

WHEREFORE, Staff recommends that the Commission approve PD Fiber, LLC's, request for designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income support for census blocks identified in the applicant's Exhibit A1 and ETC status for the purpose of receiving solely federal low-income support for the census blocks identified in the applicant's Exhibit A2; authorize the company to receive MoUSF support; grant waiver of the 60-day notice requirement; and that it grant such other and further relief as the Commission considers just in the circumstances.

/s/ Whitney Payne

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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 4th day of February, 2021, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. DA-2021-0190

From: Kari Salsman, Research/Data Analyst
John Van Eschen, Regulatory Compliance Manager
Telecommunications Department

Subject: Staff's Recommendation to Approve PD Fiber, LLC's Request for
ETC Designation

Date: February 4, 2021

On January 4, 2021, PD Fiber, LLC (PD Fiber or company) filed an application for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal high cost and low-income universal service fund support.¹ The company later supplemented its application. PD Fiber is a registered IVoIP provider in Missouri.² The company was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas.³ The RDOF funding requires the company to extend broadband service to a designated number of locations in certain census blocks. PD Fiber seeks ETC designation in the won census blocks as well as Lifeline only ETC designation in additional areas of Missouri.⁴ PD Fiber is seeking Missouri USF support for Lifeline and Disabled program purposes.

Federal authority enables state commissions to grant ETC status to a company.⁵ Missouri's ETC application requirements are contained in existing Missouri Commission rule 20 CSR 4240-31.016. Staff reviewed the company's request for compliance with Missouri's rule as well as federal requirements. In Staff's opinion the company has adequately met all ETC application requirements. Consequently Staff supports the company's application for ETC status.

Staff recommends the Commission grant ETC status to PD Fiber, LLC for the purpose of receiving federal high-cost and low-income support in the area identified by census blocks in Exhibit A1 and low-income only in the area identified by census blocks in Exhibit A2 of the company's application.

¹ PD Fiber is a subsidiary of Pemiscot-Dunklin Electric Cooperative, Inc. with operations in Pemiscot, Dunklin and New Madrid counties.

² Case No. DA-2019-0103. The company's principal office is located in Bragg City, Missouri.

³ The company, along with others through their participation in the Rural Electric Cooperative Consortium, has been awarded \$88,238,707 over 10 years to extend broadband service to 44,910 locations. Companies in this consortium generally deploy fiber as the last mile technology.

⁴ Census Block Service areas are listed in Exhibits A1 and A2 of ETC application. The total area identified by these two exhibits reflects the entire service territory of PD Fiber's parent company.

⁵ 47 U.S.C. §214(e)(2) and FCC rule §54.201.