

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

In the Matter of Wisper ISP, LLC's )  
Application to Expand ETC Service )  
Area Designation for the Purpose )  
Of Participating in the FCC Rural )  
Digital Opportunity Fund )

**Case No. DA-2021-0373**

**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 April 26, 2021, Wisper ISP, LLC, (Company or Wisper) filed an *Application* requesting that the Commission issue an order expanding the Company's eligible telecommunications carrier (ETC) status. The Company's request, if approved, would permit it to receive federal high-cost and low-income support pursuant to the Rural Digital Opportunity Fund (RDOF) auction held by the Federal Communications Commission (FCC).

2. The RDOF program is part of the FCC's attempt to bridge the digital divide. It seeks to expand high-speed fixed 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 25mbps. 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 (IVoIP) services provider. The Company included the specific census blocks for which it requests expanded ETC designation in an Exhibit C with its *Application*.

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 Wisper has met the requirements of 20 CSR 4240-31.016 and should receive expanded ETC designation.

7. Wisper 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.

8. Staff would also note that RDOF auction winners are required to file with the FCC by June 7, 2021, a state commission order granting ETC designation for the awarded area. Failure to obtain a state commission order by this deadline jeopardizes the company's RDOF funding.

**WHEREFORE**, Staff recommends that the Commission approve Wisper ISP, LLC's request for expansion of its designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income support; that the designation be specific to the census blocks identified in Exhibit C of the *Application*; that it grant a waiver of the 60-day notice requirement; and that it grant such other and further relief as the Commission considers just in the circumstances.

Respectfully Submitted,

**/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 24<sup>th</sup> day of May, 2021, to all counsel of record.

**/s/ Whitney Payne**

# MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. DA-2021-0373

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

**Subject:** Staff's Recommendation to Approve Wisper ISP, LLC's Request for  
Expansion of Existing ETC Designation

**Date:** May 24, 2021

On April 26, 2021, Wisper ISP, LLC (Wisper) filed an application for expansion of their designation as an Eligible Telecommunications Carrier (ETC)<sup>1</sup>. The company is a certificated CLEC and registered IVoIP provider in Missouri and is headquartered in Mascoutah, Illinois.<sup>2</sup> The company was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas.<sup>3</sup> The RDOF funding requires the company to extend broadband service to a designated number of locations in certain census blocks.<sup>4</sup> Wisper seeks to expand its ETC designation to the won census blocks.

Federal authority enables state commissions to grant ETC status to a company.<sup>5</sup> 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 requirements. Consequently Staff supports the company's application for expansion of its ETC status.

Staff recommends the Commission expand Wisper ISP, LLC's ETC status for the purpose of receiving federal high-cost and low income support in the area identified by census blocks in Exhibit C of the company's application.

The Missouri Commission should be aware RDOF auction winners are required to file with the FCC by June 7, 2021 a state commission order granting ETC designation for the award area. Failure to obtain a state commission order by this deadline jeopardizes the company's RDOF funding.

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<sup>1</sup> ETC status granted in Case No. CA-2019-0196. The company currently is receiving federal high-cost support to expand broadband service to approximately 68,000 Missouri locations. The company uses a fixed wireless last mile technology.

<sup>2</sup> Case Nos. CN-2019-0205 & DN-2019-0194.

<sup>3</sup> The company, through its participation in the Wisper CABO 904 Consortium, has been awarded \$1,106,971 over 10 years to extend broadband service to 810 locations.

<sup>4</sup> Census Block Service areas are listed in Exhibit C of ETC expansion application.

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