

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 24th day of February, 2021.

In the Matter of the Petition of Callabyte)
Technology, LLC for Expanded Designation as)
an Eligible Telecommunications Carrier) **File No. DA-2021-0191**
Pursuant to Section 214(e)(2) of the)
Communications Act of 1934, as Amended)

**ORDER GRANTING EXPANDED DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: February 24, 2021

Effective Date: March 26, 2021

On January 5, 2021, Callabyte Technology, LLC (Callabyte) requested authority to expand its existing Eligible Telecommunications Carrier (ETC) designation.¹ Callabyte was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas. The RDOF funding requires Callabyte to extend broadband service to a designated number of locations in certain census blocks. Callabyte seeks ETC designation to include the census blocks it was awarded. Callabyte included Exhibit A with its application which outlines the specific census blocks for which it requests designation.

The Commission issued notice and set a deadline for intervention. No person or entity sought intervention in this matter, and no party has requested a hearing.

The Staff of the Missouri Public Service Commission (Staff) conducted an investigation and on February 4, 2021, filed its recommendation and memorandum. Staff

¹ Callabyte is presently registered as an interconnected voice over internet protocol (IVoIP) service provider.

recommended that the Commission approve Callabyte's request for expansion of its ETC designation as an eligible telecommunications carrier to the areas identified by census blocks in Exhibit A of its verified application. Staff stated Callabyte met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers. Staff notes that Callabyte requests a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017, and recommends that such waiver be granted.

Under federal authority, the application is within the Commission's jurisdiction to decide.² Since no law requires a hearing, this is a non-contested case.³ Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.⁴ Consequently, the Commission bases its decision on the verified filings.

Based upon its review of the verified application and Staff's recommendation and memorandum, the Commission finds that Callabyte has met the requirements for ETC designation. Further, for good cause shown, Callabyte will be granted a waiver of the 60-day filing requirement of the Commission's rules.

THE COMMISSION ORDERS THAT:

1. Callabyte's application is granted. Callabyte is granted ETC designation in all census block groups described in Exhibit A to its application.
2. Callabyte is granted a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

² 47 U.S.C. § 214(e)(2).

³ *In the Matter of Kansas City Power & Light Co.'s Request for Authority to Implement a General Rate Increase for Elec. Serv. v. Pub. Serv. Comm'n*, 509 S.W.3d 757, 783-784 (Mo. App. W.D. 2016).

⁴ *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 210 S.W.3d 344, 353-354 (Mo. App. W.D. 2006).

3. This order shall become effective on March 26, 2021.
4. This file shall be closed on March 27, 2021.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Pridgin, Regulatory Law Judge