

BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI

Petition of Mid-States Services, LLC) Case No. _____
For Expanded Designation as an Eligible)
Telecommunications Carrier Pursuant to)
Section 214(e)(2) of the Communications)
Act of 1934, As Amended)

**PETITION FOR EXPANDING DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Mid-States Services, LLC (“Mid-States”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934 (the “Act”), as amended, and the rules and regulations of the Missouri Public Service Commission (the “Commission”), including 20 CSR 4240-2.060 and 20 CSR 4240-31.015-.016 respectfully requests expanded Eligible Telecommunications Carrier (“ETC”) designation in the State of Missouri in all areas where Mid-States, through its participation in the NRTC Phase 1 RDOF Consortium, has been allocated Rural Digital Opportunity (“RDOF”) Phase I support as a winner in the Federal Communications Commission’s (“FCC”) RDOF Phase I auction (“Auction 904”).¹

Mid-States was recently awarded RDOF Phase I subsidies in Auction 904 and plans to provide high-speed broadband and voice services in the areas where Mid-States was awarded support. Mid-States has not been designated as an ETC in these areas. These areas comprise the “Expanded ETC Designation Area” in which Mid-States hereby requests ETC designation in

¹ The Commission previously designated Mid-States as an ETC in the State of Missouri in census blocks where Mid-States was allocated federal Connect America Fund Phase II (“CAF II”) support as a winning bidder in the CAF II auction. *See* Application of Mid-States

order for Mid-States to receive the RDOF Phase I subsidies it was recently awarded in Auction 904

Mid-States is obligated to obtain ETC designation throughout its RDOF Phase I winning areas within 180 days of the announcement by the FCC that Mid-States was a winning bidder in the RDOF Phase I auction.² As a result, Mid-States requests expeditious action by the Commission so it may satisfy this requirement.

I. INTRODUCTION AND SUMMARY

Mid-States is a Missouri limited liability company. Its principal office is located at 4100 Oklahoma Ave., Trenton, MO 64684. Mid-States does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court, which involves customer service or rates, which action, judgement or decision has occurred within three (3) years of the date of this petition. Mid-States does not have any annual reports or assessment fees that are overdue. Mid-States is wholly owned by Innovative Energy Solutions, LLC which is wholly owned by Grundy Electric Cooperative, Inc. Mid-States is compliant with filing and contribution obligations to the Federal USF.

Mid-States provides wireline Internet, fiber broadband Internet access service (“BIAS”) and interconnected voice over IP (“VoIP”) services in rural Missouri. Mid-States currently provides symmetrical Internet speeds of 50 mbps, with speeds available up to 250 mbps. By

² 47 C.F.R. § 54.804(b)(5)

utilizing the funds awarded through the RDOF I auction, in conjunction with its own funds, Mid-States will expand the availability of such services to many more consumers, including those who are otherwise unable to receive it or previously ignored by traditional carriers, which is the principal reason that the FCC enacted the RDOF program.

Correspondence, communications, orders and decisions in regard this Application shall be directed to:

Troy A. Slagle
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With a copy to:

Bruce E. Beard
Cinnamon Mueller
Attorney for Mid-States Services, LLC
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Mid-States seeks an expanded ETC designation status from the Commission throughout the census block groups (“CBG”) identified in Exhibit A hereto. Mid-States continues to meet all of the federal and state statutory and regulatory requirements for ETC designation. Designating Mid-States as an ETC in the additional areas requested so that it qualified to receive RDOF I support will serve the public interest by enabling Mid-States to bring BIAS and VoIP services to rural Missouri that are currently unserved.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE EXPANDED ETC DESIGNATION REQUESTED BY MID-STATES

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. Under Missouri regulations, an ETC is defined as a “carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C. § 214(e)(1) and 47 CFR Part 54 Subpart C.”³

A. Mid-States Will Provide Service as a Common Carrier

For the customers and locations where RDOF Phase I support has been allocated, Mid-States will provide its services on a common carrier basis. As such, Mid-States certifies that it is a common carrier under § 214(e)(1) and (e)(6) of the Act.

B. Mid-States Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

As required by 47 C.F.R. § 54.101, Mid-States 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: Mid-States 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

³ 4 CSR 240-41.010(5)

government or public safety organizations. Mid-States will also provide toll limitation services to qualifying low-income consumers as provided in the Commission's rules.⁴

Broadband Internet Access Services: Mid-States broadband Internet access service provides the capability to transmit data 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.⁵

Mid-States commits to provide these services consistent with applicable high-cost universal service support rules.⁶ Mid-States will also offer Lifeline service as required by the FCC's rules at all locations where it has been awarded support.⁷ Mid-States will offer voice telephony as a standalone service and at rates reasonably comparable to urban rates.⁸ Mid-States 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.

C. Mid-States will Provide Service Using its own Facilities and Resale

Mid-States will use its own facilities to extend fiber and build out the CBG allocated through the RDOF I Auction. The broadband Internet access service and interconnected VoIP services will be provided over fiber facilities owned by Mid-States. Mid-States has been offering interconnected VoIP telephone service pursuant to its Commission authorization granted on January 11, 2018 (DA-2018-0163). Mid-States' interconnected VoIP service provides its consumers with the communications equivalent of traditional wireline local and intrastate long-

⁴ 47 C.F.R. § 54.101(a)(1)

⁵ 47 C.F.R. § 54.101(a)(2)

⁶ 47 C.F.R. § 54.101(c)

⁷ 47 C.F.R. § 54.101(d)

⁸ *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

distance services for connections to and from the public switched network. This includes essential functions such as access to emergency 911 service, operator services and director assistance. Subscribers can make and receive calls in essentially the same manner as traditional wireline service and have access to common features such as call waiting, call forwarding, 3 way calling, caller ID, and voicemail. Mid-States utilizes the services of an underlying wholesale provider for access to the public switched network and numbering resources.

**D. Mid-States will Advertise the Availability of Its Services and Charges
Using Media of General Distribution**

Mid-States 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. Mid-States agree 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.

Mid-States advertises its services using many platforms, including newspapers, direct mailings, radio ads, information on Mid-State's website, press releases and digital marketing campaigns.

**E. Mid-States Possesses the Financial and Technical Capability to Provide
the Supported Services**

Mid-States is financially viable and technically capable of providing the interconnected VoIP voice telephony service. Mid-States has been offering interconnected VoIP telephone service pursuant to its Commission authorization granted on January 11, 2018. It has been offering broadband Internet access service since 1999. Mid-States is an affiliate of Grundy

Electric Cooperative, Inc. which has been providing electrical service since its inception in 1938, 83 years ago. Mid-States is financially and technically capable of providing the services.

F. Mid-States will Provide the Requisite RDOF Phase I Supported Services throughout its Proposed ETC Designation Area

Mid-States commits to providing the requisite RDOF Phase I supported services throughout its proposed ETC designation area, consistent with all applicable requirements.⁹

G. Compliance with Applicable Service and Performance Quality Requirements

Mid-States 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. Mid-States follows applicable federal and state service quality and consumer protection rules. Mid-States complies with quality of service requirements including monitoring and reporting service quality metrics where required. Mid-States has implemented numerous consumer protection measures to protect customer information. For example, Mid-States 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 Mid-State’s Business Code of Conduct which includes information and requirements on protecting sensitive customer information from improper use and disclosure. Mid-States’ privacy and security policies are reinforced through periodic training required of all employees. Additional consumer protection measures include Mid-States’ use of a third-party verifier to

⁹ 47 CFR §§54.101 and 54.201

prevent unauthorized prescribed interexchange carrier (PIC) changes (“Slamming”) and the fact that there are no billing and collection arrangement that could have potentially allowed unauthorized third-party charges to be added to customer’s bills (“Cramming”).

H. Ability to Remain Functional in Emergency Situations

Mid-States is able to remain functional in an emergency situation through the use of back-up power to ensure functionality without an external power source. Mid-States’ standard for battery backup is 4 hours in offices with a generator. This is ensured during annual routine maintenance which includes battery inspection, cleaning, documentation of float voltage and cell temperature, as well as equalization or replacement if necessary. Also, portable generators are available for deployment to remote hubs without permanent generators. Mid-States’ network is engineered to provide maximum capacity in order to handle excess traffic in the event of traffic spikes resulting from emergency situations. Mid-States’ facilities are remotely monitored and managed by a centralized Network Operations Center which is staffed 24 x 7, 365 days a year. Technicians are able to remotely access and respond to alarm conditions. By design, transport redundancy is built into the telephony and data network on many levels and in the event of a hardware or circuit failure or traffic spike, the networks are able to self-correct in many cases, or at many locations, technicians are able to manually switch network elements to standby facilities both locally and remotely.

VI. THE COMMISSION HAS PREVIOUSLY GRANTED MID-STATES DESIGNATION AS AN ETC

As referenced above, Mid-States was designated as an ETC by the Commission on December 7, 2018 (LO-201-0093). In connection with granting Mid-States’ application for designation as an ETC, the Commission reviewed Mid-States’ representations, certifications and

commitments regarding the services Mid-States will provide that are supported by federal universal service support mechanisms and determined that Mid-States “has met all federal and state requirements and that it is in the public interest to grant the ETC application. Therefore, the Commission will designate Mid-States as an ETC for the purpose of receiving federal high-cost and low-income support for the service area identified in Mid-States initial application.”¹⁰ Mid-States hereby reaffirms its compliance with and commitment to each of the requirements delineated in the Mid-States ETC application, reviewed in the Mid-States ETC Designation Order, and reaffirmed above.

Since the Commission has already determined that Mid-States meets the requirements applicable to an ETC in the State of Missouri, this petition is limited to a request by Mid-States that the Commission expand Mid-States ETC designation area for the areas awarded in the RDOF Phase I auction, as identified in Exhibit A.

V. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

In the FCC’s most 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 and work.”¹¹ As a winning bidder in the RDOF I Auction, Mid-States is eligible to receive funding to bring high-quality voice and broadband services to consumers in underserved portions of Missouri. By selecting Mid-States as a recipient of RDOF I Auction funds, the FCC has recognized that the voice and broadband services Mid-States proposes to deploy with the funds would advance the goal of the RDOF I Auction, and thereby advance the goals of universal service.

¹⁰ Mid-States ETC Designation Order at 3

¹¹ *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686 (2020).

Respectfully submitted,

Mid-States Services, LLC



Bruce E. Beard

Cinnamon Mueller

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St. Louis, MO 63131

(314) 394-1535

Its Counsel

Dated: January 15, 2021

Exhibit A

Census Block Groups

MO-079-9602001

MO-079-9603001

MO-079-9603002

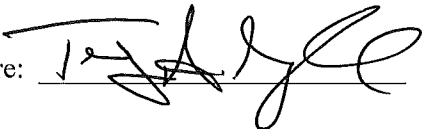
MO-079-9604003

MO-079-9604004

Exhibit B

AFFIDAVIT

I, Troy Slagle, a natural person, do hereby swear and affirm that I am an officer of Mid-States Services, 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: Troy A. Slagle

Title: IT Manager

State of Missouri

County of Grundy

Subscribed and sworn before me this 15th day of January, 2021.

Notary Public 

TERRY L. BURROWS
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES OCTOBER 14, 2024
GRUNDY COUNTY
COMMISSION #12504184