

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

In the Matter of the Application of Ozark Fiber, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal and State Lifeline and Disabled Support)
)
) **Case No. CA-2023-0098**
)
)

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 September 13, 2022, Ozark Fiber, LLC (“Ozark Fiber”) filed its application with the Public Service Commission (“Commission”); wherein, requesting a designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving federal Lifeline and state Lifeline and Disabled Support. Ozark Fiber’s request, if approved, would permit it to receive federal low-income and state low-income and disabled support to provide Lifeline and Disabled services (USF) to qualifying Missouri residents.

2. On October 7, 2022, Ozark Fiber filed its Amended Application with the Commission.

3. Ozark Fiber is registered as a Missouri Limited Liability Company with the Missouri Secretary of State. Ozark Fiber is certificated by the Commission to provide local and non-switched local telecommunications services pursuant to TA-2022-0154.

4. Commission rules 20 CSR 4240-31.014 and 20 CSR 4240-31.016 govern the specific Lifeline and Disabled Programs and 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 Commission also has federal authority to grant ETC status to a company pursuant to 47 U.S.C. § 214(e)(2) and 47 C.F.R. § 54.201.

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 Ozark Fiber has met the federal requirements and the requirements of 20 CSR 4240-31.014, 20 CSR 4240-31.016, and should receive ETC designation.

7. Ozark Fiber sought waiver of the 60-day notice requirement pursuant to the Commission's rule 20 CSR 4240-4.017.

WHEREFORE, Staff recommends that the Commission approve Ozark Fiber's request for designation as an eligible telecommunications carrier for the purpose of receiving federal low-income support and Missouri USF support to provide Lifeline and Disabled Support services in Missouri; that the ETC designation be a statewide designation; grant waiver of the 60-day notice provision; and that it grant such other and further relief as the Commission considers just in the circumstances.

/s/ J. Scott Stacey

J. Scott Stacey
Senior Counsel
Missouri Bar No. 59027
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 522-6279 (Telephone)
(573) 751-9285 (Fax)
scott.stacey@psc.mo.gov

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 11th day of October, 2022, to all counsel of record.

/s/ J. Scott Stacey

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CA-2023-0098

From: Kari Salsman, Senior Research/Data Analyst
Telecommunications Department

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

Date: October 11, 2022

On September 13, 2022 Ozark Fiber, LLC (Ozark) filed an application for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal low-income support and Missouri USF support on a statewide basis to participate in the Lifeline and Disabled programs. The company later amended its application. The company is a certificated CLEC in Missouri.¹

Federal authority enables state commissions to grant ETC status to a company.² 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 statewide ETC status to Ozark Fiber, LLC for the purpose of receiving federal low-income support and Missouri USF support.

¹ Case No. TA-2022-0154

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