

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 10<sup>th</sup> day of February, 2021.

In the Matter of the Application of Mercury	)	
Wireless Kansas, LLC DBA Mercury	)	
Broadband For Designation as an Eligible	)	<b><u>File No. DA-2021-0189</u></b>
Telecommunications Carrier in additional	)	
Service Areas for the Purpose of High-Cost	)	
Support under FCC Auction 904 and Related	)	
Lifeline Support	)	

**ORDER GRANTING APPLICATION TO EXPAND DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: February 10, 2021

Effective Date: March 12, 2021

On December 31, 2020, Mercury Wireless Kansas, LLC (Mercury Wireless) requested authority to expand its existing Eligible Telecommunications Carrier (ETC) designation.<sup>1</sup> Mercury Wireless was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas. The RDOF funding requires Mercury Wireless to extend broadband service to a designated number of locations in certain census blocks. Mercury Wireless seeks to expand its ETC designation to include the census blocks it was awarded. Mercury Wireless included Exhibit C with its application which outlines the specific census blocks for which it requests designation. Mercury Wireless indicates it will be providing service under the name Mercury Broadband.<sup>2</sup>

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<sup>1</sup> Mercury Wireless is presently registered as an interconnected voice over internet protocol (IVoIP) service provider.

<sup>2</sup> The Commission recognized the name change in File No. DN-2021-0188.

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 recommended that the Commission approve Mercury Wireless' request for expansion of its ETC designation to the areas identified by census blocks in Exhibit C of its verified application. Staff stated Mercury Wireless met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers.

Under federal authority, the application is within the Commission's jurisdiction to decide.<sup>3</sup> Since no law requires a hearing, this is a non-contested case.<sup>4</sup> Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.<sup>5</sup> 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 Mercury Wireless has met the requirements to extend its ETC designation.

**THE COMMISSION ORDERS THAT:**

1. Mercury Wireless' application is granted. Mercury Wireless is granted ETC designation in all census block groups described in Exhibit C to its application.
2. This order shall become effective on March 12, 2021.

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<sup>3</sup> 47 U.S.C. § 214(e)(2).

<sup>4</sup> *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).

<sup>5</sup> *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 210 S.W.3d 344, 353-354 (Mo. App. W.D. 2006).

3. This file shall be closed on March 13, 2021.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Woodruff, Chief Regulatory Law Judge