

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

In the Matter of the Application of Air Link Rural                    )  
Broadband, LLC For Expanded Designation as                        )  
an Eligible Telecommunications Carrier                                )  
Pursuant to Section 214(e)(2) of the                                    )  
Communications Act of 1934, As Amended                            )  
**Case No. DA-2021-0307**

**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 March 20, 2021, Air Link Rural Broadband, LLC, (Company or Air Link) filed an *Petition for Expanding Designation as an Eligible Telecommunications Carrier* with the Commission requesting that the Commission issue an order expanding the Company’s eligible telecommunications carrier (ETC) status to specific census blocks. 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 25 Mbps. 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 Exhibit A with its *Petition*, which outlines the specific census blocks for which it requests ETC designation.

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 Air Link Rural Broadband has met the requirements of 20 CSR 4240-31.016 and should receive expanded ETC designation.

7. Air Link Rural Broadband 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 Air Link Rural Broadband, LLC's, request for expanded designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income support and in compliance with the RDOF Auction; that the designation be specific to the census blocks

identified in Exhibit A of the *Petition*; 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/ 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 20th day of April, 2021, to all counsel of record.

**/s/ Whitney Payne**

## MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. DA-2021-0307

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

**Subject:** Staff's Recommendation to Approve Air Link Rural Broadband, LLC's  
Request for Expansion of Existing ETC Designation

**Date:** April 20, 2021

On March 20, 2021, Air Link Rural Broadband, LLC (Air Link) filed an application for expansion of its designation as an Eligible Telecommunications Carrier (ETC).<sup>1</sup> The company is headquartered in Salisbury, Missouri and is a registered IVoIP provider in Missouri.<sup>2</sup> Air Link 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> Air Link 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 rules 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 Air Link Rural Broadband, 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 A of the company's application.

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<sup>1</sup> ETC status granted in Case No. DA-2019-0102. The company currently receives funding to expand broadband service to 2,321 Missouri locations.

<sup>2</sup> Case No. DA-2019-0071.

<sup>3</sup> Air Link, through its participation in the NexTier Consortium, has been awarded \$2,108,577 over 10 years to extend broadband service to 2011 locations.

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

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