

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of July, 2022.

In the Matter of the Application of Big River)
Broadband, LLC d/b/a Circle Fiber for)
Designation as an Eligible Telecommunications)
Carrier to Receive Federal Lifeline and)
State Lifeline Support)

File No. DA-2022-0331

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

Issue Date: June 13, 2022

Effective Date: August 12, 2022

On May 27, 2022, Big River Broadband, LLC d/b/a Circle Fiber (Circle Fiber) filed its original application requesting a designation as an Eligible Telecommunications Carrier (“ETC”) in parts of Cape Girardeau and Butler Counties in order to receive federal and state Lifeline support. Circle Fiber is currently registered in the state of Missouri as an interconnected voice over internet protocol (VoIP) and video service provider under the name Big River Broadband, LLC.¹ On June 1, the Commission issued an order directing notice, setting a deadline to intervene of June 14, and directing Staff to file a recommendation no later than June 30.

Staff conducted an investigation and filed its recommendation and memorandum on June 29. Staff recommended that the Commission approve Circle Fiber’s request for designation as an eligible telecommunications carriers for the purpose of receiving federal low-income support and Missouri USF support for the Lifeline program in the Jackson

¹ File Nos DN-2022-0367 & KN-2022-0368 are pending to change the company name to Big River Broadband, LLC d/b/a Circle Fiber.

and Poplar Bluff municipalities. Staff stated Circle Fiber met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers.

Staff's recommendation does not address Circle Fiber's request for a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017. However, Circle Fiber confirms in its verified application that it has had no communication with the Office of the Commission within the prior 150 days, regarding any substantive issue likely to be germane to this proceeding. That statement constitutes good cause for waiver of the 60-day notice requirement under Commission Rule 20 CSR 4240-4.017(1)(D).

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 Circle Fiber has met the requirements for ETC designation. Further, for good cause shown, Circle Fiber will be granted a waiver of the 60-day notice requirement of the Commission's rules.

THE COMMISSION ORDERS THAT:

1. Circle Fiber's application is granted. Circle Fiber is granted ETC designation for the purpose of receiving federal low-income support and Missouri USF support in the Jackson and Poplar Bluff municipalities.

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).

2. Circle Fiber is granted a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

3. This order shall become effective on August 12, 2022.

4. This file shall be closed on August 15, 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., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Keeling, Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 13th day of July, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 13, 2022

File/Case No. DA-2022-0331

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.