

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 26<sup>th</sup> day of October, 2022.

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

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

Issue Date: October 26, 2022

Effective Date: November 25, 2022

On September 13, 2022, Ozark Fiber, LLC (Ozark Fiber) filed its application for designation as an Eligible Telecommunications Carrier (ETC).<sup>1</sup> Ozark Fiber seeks ETC status to receive federal and state Lifeline and Disabled Support. Ozark Fiber also seeks a waiver of the Commission's 60-day notice rule.<sup>2</sup> Ozark Fiber amended its application on October 7, 2022.

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 October 11, 2022, filed its recommendation and memorandum. Staff recommends the Commission grant Ozark Fiber ETC status for the purpose of receiving federal low-income support and Missouri USF support to provide Lifeline and Disabled Support services statewide. Staff stated Ozark Fiber met the requirements of Commission

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<sup>1</sup> Fidelity Communications is presently certificated as a competitive local exchange carrier (CLEC).

<sup>2</sup> Commission Rule 20 CSR 4240-4.017(1)(D).

Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers. Staff notes that Ozark Fiber requests a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017, and recommends that such waiver be granted.

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

**THE COMMISSION ORDERS THAT:**

1. Ozark Fiber's application is granted. Ozark Fiber is granted ETC designation for the purpose of receiving federal low-income support and Missouri USF support to provide Lifeline and Disabled Support services statewide.
2. Ozark 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 November 25, 2022.
4. This file shall be closed on November 26, 2022.

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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).



**BY THE COMMISSION**

*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

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

Pridgin, 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 26<sup>th</sup> day of October, 2022.**



  
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**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**October 26, 2022**

**File/Case No. CA-2023-0098**

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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**

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