

**BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI**

Petition 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. \_\_\_\_\_

**PETITION FOR EXPANDING DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Air Link Rural Broadband, LLC (“Air Link”), by its undersigned counsel, and pursuant to Section 214(e)(2) of the Communications Act of 1934 (the “Act”), as amended, and the rules and regulations of the Missouri Public Service Commission (the “Commission”), including 20 CSR 4240-2.060 and 20 CSR 4240-31.015-.016 respectfully requests expanded Eligible Telecommunications Carrier (“ETC”) designation in the State of Missouri in all areas where Air Link, through its participation in the Federal Communications Commission’s (FCC) Phase I RDOF reverse auction, has been allocated Rural Digital Opportunity (“RDOF”) Phase I support as a winner in the Federal Communications Commission’s (“FCC”) RDOF Phase I auction (“Auction 904”).<sup>1</sup>

Air Link was recently awarded RDOF Phase I subsidies in Auction 904 and plans to provide high-speed broadband and voice services in the areas where Air Link was awarded support. Air Link has not been designated as an ETC in these new areas. These areas comprise the “Expanded ETC Designation Area” in which Air Link hereby requests ETC designation, in

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<sup>1</sup> The Commission previously designated Air Link Rural Broadband, LLC as an ETC in the State of Missouri in census blocks where Air Link was allocated federal Connect America Fund Phase II (“CAF II”) support as a winning bidder in the CAF II auction. *See* Application of Air Link.

order for Air Link to receive the RDOF Phase I subsidies it was recently awarded in Auction 904

Air Link is obligated to obtain ETC designation throughout its RDOF Phase I winning areas within 180 days of the announcement by the FCC that Air Link was a winning bidder in the RDOF Phase I auction.<sup>2</sup> As a result, Air Link requests expeditious action by the Commission so it may satisfy this requirement.

#### **I. INTRODUCTION AND SUMMARY**

Air Link is a Missouri limited liability company. Its principal office is located at 100 West Highway 24., Salisbury, MO 65281. Air Link does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court, which involves customer service or rates, which action, judgement or decision has occurred within three (3) years of the date of this petition. Air Link does not have any annual reports or assessment fees that are overdue. Air Link is compliant with filing and contribution obligations to the Federal USF.

Air Link provides wireline Internet, fiber broadband Internet access service (“BIAS”) and interconnected voice over IP (“VoIP”) services in rural Missouri. Air Link currently provides Internet speeds up to 1000/500 Mbps.

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<sup>2</sup> 47 C.F.R. § 54.804(b)(5)

By utilizing the funds awarded through the RDOF I auction, in conjunction with its own funds, Air Link will expand the availability of such services to many more consumers, including those who are otherwise unable to receive it or previously ignored by traditional carriers, which is the principal reason that the FCC enacted the RDOF program.

Correspondence, communications, orders and decisions in regard this Application shall be directed to:

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With copies to:

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and to:

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Air Link seeks an expanded ETC designation status from the Commission throughout the census block groups (“CBG”) identified in Exhibit A hereto. Air Link continues to meet all of the federal and state statutory and regulatory requirements for ETC designation. Designating Air Link as an ETC in the additional areas requested so that it qualified to receive RDOF I support will serve the public interest by enabling Air Link to bring BIAS and VoIP services to rural Missouri that are currently unserved.

## **II. THE COMMISSION HAS AUTHORITY TO GRANT THE EXPANDED ETC DESIGNATION REQUESTED BY AIR LINK**

Section 214(e)(2) of the Act gives authority to state commissions to designate a common carrier as an eligible telecommunications carrier for a service area designated by the state commission. Under Missouri regulations, an ETC is defined as a “carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C. § 214(e)(1) and 47 CFR Part 54 Subpart C.”<sup>3</sup>

### **A. Air Link Will Provide Service as a Common Carrier**

For the customers and locations where RDOF Phase I support has been allocated, Air Link will provide its services on a common carrier basis. As such, Air Link certifies that it is a common carrier under § 214(e)(1) and (e)(6) of the Act.

### **B. Air Link Will Offer the Services Supported by the Federal Universal Service Support Mechanisms**

As required by 47 C.F.R. § 54.101, Air Link will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities.

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<sup>3</sup> 4 CSR 240-41.010(5)

Voice Grade Access to the Public Switched Telephone Network: Air Link meets this requirement through its provision of an interconnected VoIP service packages that include minutes of use for local service provided at no additional charge beyond the package price and applicable taxes and surcharges to end users (*i.e.* plans are generally unlimited usage within the U.S.) and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations. Air Link will also provide toll limitation services to qualifying low-income consumers as provided in the Commission's rules.<sup>4</sup>

Broadband Internet Access Services: Air Link broadband Internet access service provides the capability to transmit data and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.<sup>5</sup>

Air Link commits to provide these services consistent with applicable high-cost universal service support rules.<sup>6</sup> Air Link will also offer Lifeline service as required by the FCC's rules at all locations where it has been awarded support.<sup>7</sup> Air Link will offer voice telephony as a standalone service and at rates reasonably comparable to urban rates.<sup>8</sup> Air Link intends to offer the same rates in the supported areas, and its current service area, and certifies that it will comply with the "reasonably comparable rates" RDOF I requirement as part of its receipt of the RDOF I Auction funds.

### **C. Air Link will Provide Service Using its own Facilities and Resale**

Air Link will use its own facilities to extend fiber and build out the CBG allocated through the RDOF I Auction. The broadband Internet access service and interconnected VoIP services will be provided over fiber facilities owned by Air Link. Air Link has been offering

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<sup>4</sup> 47 C.F.R. § 54.101(a)(1)

<sup>5</sup> 47 C.F.R. § 54.101(a)(2)

<sup>6</sup> 47 C.F.R. § 54.101(c)

<sup>7</sup> 47 C.F.R. § 54.101(d)

<sup>8</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

interconnected VoIP telephone service pursuant to its Commission authorization granted on February 22, 2019 (DA-2019-0102). Air Link's interconnected VoIP service provides its consumers with the communications equivalent of traditional wireline local and intrastate long distance services for connections to and from the public switched network. This includes essential functions such as access to emergency 911 service, operator services and director assistance. Subscribers can make and receive calls in essentially the same manner as traditional wireline service and have access to common features such as call waiting, call forwarding, 3-way calling, caller ID, and voicemail. Air Link utilizes the services of an underlying wholesale provider for access to the public switched network and numbering resources.

**D. Air Link will Advertise the Availability of Its Services and Charges**

**Using Media of General Distribution**

Air Link will advertise the availability of the supported services throughout its designated service areas using media of general distribution in a manner that is designed to reach those likely to qualify for such services. Air Link agrees to comply with all form and content requirements, if any, promulgated by the FCC and the Commission in the future as required of all designated ETCs.

Air Link advertises its services using many platforms, which may include newspapers, direct mailings, radio ads, information on Air Link's website, press releases and digital marketing campaigns.

**E. Air Link Possesses the Financial and Technical Capability to Provide the Supported Services**

Air Link is financially viable and technically capable of providing the interconnected VoIP voice telephony service. Air Link has been offering interconnected VoIP telephone service pursuant to its Commission ETC authorization granted on February 22, 2019. It has been offering broadband Internet access service since 2011. Air Link is financially and technically capable of providing the services.

**F. Air Link will Provide the Requisite RDOF Phase I Supported Services throughout its Proposed ETC Designation Area**

Air Link commits to providing the requisite RDOF Phase I supported services throughout its proposed ETC designation area, consistent with all applicable requirements.<sup>9</sup>

**G. Compliance with Applicable Service and Performance Quality Requirements**

Air Link will satisfy all consumer protection and service quality standards as provided in 47 C.F.R. §54.202(a)(3), and all applicable state specific consumer protection and service quality standards. Air Link follows applicable federal and state service quality and consumer protection rules. Air Link complies with quality of service requirements including monitoring and reporting service quality metrics where required. Air Link has implemented numerous consumer protection measures to protect customer information. For example, Air Link implemented Customer Proprietary Network Information (“CPNI”) policies and procedures that are consistent with the FCC’s regulations. Employees are required to complete CPNI training and in addition, employees who have access to CPNI data receive additional guidance through written

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<sup>9</sup> 47 CFR §§54.101 and 54.201

procedures regarding customer authentication. All employees are also required to review Air Link's Business Code of Conduct annually, which includes information and requirements on protecting sensitive customer information from improper use and disclosure. Air Link's CPNI, privacy and security policies are reinforced through periodic training required of all employees. Additional consumer protection measures include Air Link's use of a third-party verifier to prevent unauthorized prescribed interexchange carrier (PIC) changes ("Slamming") and the fact that there are no billing and collection arrangement that could have potentially allowed unauthorized third-party charges to be added to customer's bills ("Cramming").

#### **H. Ability to Remain Functional in Emergency Situations**

Air Link is able to remain functional in an emergency situation through the use of back-up power to ensure functionality without an external power source. Air Link's standard for battery backup is 4 hours in offices with a generator. This is ensured during annual routine maintenance which includes battery inspection, cleaning, documentation of float voltage and cell temperature, as well as equalization or replacement if necessary. Also, portable generators are available for deployment to remote hubs without permanent generators. Air Link's network is engineered to provide maximum capacity in order to handle excess traffic in the event of traffic spikes resulting from emergency situations. Air Link's facilities are remotely monitored and managed by a centralized Network Operations Center which is staffed 24 x 7, 365 days a year. Technicians are able to remotely access and respond to alarm conditions. By design, transport redundancy is built into the telephony and data network on many levels and in the event of a hardware or circuit failure or traffic spike, the networks are able to self-correct in many cases, or at many locations, technicians are able to manually switch network elements to standby facilities both locally and remotely.



**VI. THE COMMISSION HAS PREVIOUSLY GRANTED AIR LINK DESIGNATION AS AN ETC**

As referenced above, Air Link was designated as an ETC by the Commission on February 22, 2019 (DA-2019-0102). In connection with granting Air Link's application for designation as an ETC, the Commission reviewed Air Link's representations, certifications and commitments regarding the services Air Link would provide that are supported by federal universal service support mechanisms and determined that Air Link met all federal and state requirements and that it was in the public interest to grant its ETC application. Therefore, the Commission designated Air Link as an ETC for the purpose of receiving federal high-cost and low-income support for the service area identified in Air Link's application.<sup>10</sup> Air Link hereby reaffirms its compliance with and commitment to each of the requirements delineated in the Air Link ETC application, reviewed in the Air Link ETC Designation Order, and reaffirmed above.

Since the Commission has already determined that Air Link meets the requirements applicable to an ETC in the State of Missouri, this petition is limited to a request by Air Link that the Commission expand Air Link's ETC designation area for the areas awarded in the RDOF Phase I auction, as identified in Exhibit A.

**V. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST**

In the FCC's most recent *Report and Order* concerning the Rural Digital Opportunity Fund program, the FCC described, "its goal of connecting all Americans, no matter where they live and work."<sup>11</sup> As a winning bidder in the RDOF I Auction, Air Link is eligible to receive funding to bring high-quality voice and broadband services to consumers in underserved portions

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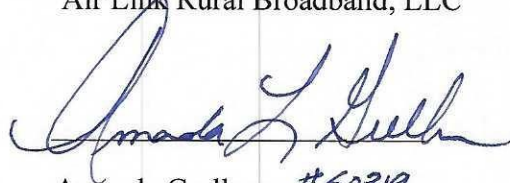
<sup>10</sup> Air Link's ETC Designation Order at page 3

<sup>11</sup> *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686 (2020).

of Missouri. By selecting Air Link as a recipient of RDOF I Auction funds, the FCC has recognized that the voice and broadband services Air Link proposes to deploy with the funds would advance the goal of the RDOF I Auction, and thereby advance the goals of universal service.

Respectfully submitted,

Air Link Rural Broadband, LLC

A handwritten signature in blue ink, appearing to read "Amanda Grellner", written over a horizontal line.

Amanda Grellner #50319

Grellner Law

P.O. Box 828

1014B E. Main Street

Linn, MO. 65051

(573) 897-3609

*Its Counsel*

Dated: March 9, 2021

## Exhibit A

### Census Block Groups

Item	CBG
MO-089-9601001	290899601001
MO-089-9601002	290899601002
MO-089-9602001	290899602001
MO-089-9602002	290899602002
MO-089-9602003	290899602003
MO-089-9603001	290899603001
MO-089-9603002	290899603002
MO-089-9603003	290899603003
MO-107-0903001	291070903001
MO-107-0903002	291070903002
MO-195-0901001	291950901001
MO-195-0901002	291950901002
MO-195-0901003	291950901003
MO-195-0901004	291950901004
MO-195-0902001	291950902001
MO-195-0902002	291950902002
MO-195-0903001	291950903001
MO-195-0903002	291950903002
MO-195-0903003	291950903003
MO-195-0904001	291950904001
MO-195-0904002	291950904002
MO-195-0905001	291950905001
MO-195-0905002	291950905002
MO-195-0905003	291950905003
MO-195-0906001	291950906001
MO-195-0907001	291950907001
MO-195-0908002	291950908002

Exhibit B

AFFIDAVIT

I, Casey Imgarten, a natural person, do hereby swear and affirm that I am an officer of Air Link Rural Broadband, LLC and that the information and statements contained in this application are true and correct to the best of my knowledge and belief. By signing this form, I hereby certify that neither I, nor any other members of this filing party, has had communications with a Commissioner, Commissioner Advisor, Regulatory Law Judge, member of the General Counsel or any member of their support team in the sixty (60) days prior to the filing date of this application regarding any substantive issue included in this filing.

If any communication of this sort has occurred in the previous sixty (60) day period, I further certify this application was held until sixty (60) days have passed from the date of the subject communication, or we have requested a waiver for good cause as allowed by Commission Rule 20 CSR 4240- 4.01 7(1)(D).

Signature: Casey Imgarten

Printed Name: Casey Imgarten

Title: Principal

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State of Missouri

County of Chariton

Subscribed and sworn before me this 3 day of March, 2021.



J Wagner