

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

In the Matter of the Investigation of )  
Aristotle Unified Communications, LLC ) **File No. TO-2023-0436**  
Related to the Connect America Fund )  
Phase II Auction )

**STAFF’S STATEMENT OF POSITION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), on behalf of the parties to this matter, and its *Statement of Position*, hereby states:

1. Should the Commission certify Aristotle under rule 47 CFR 54.314 to receive federal Connect America Fund Phase II funding for 2024?
  - a. Is Aristotle using federal Connect American Fund Phase II support for the provision, maintenance, and upgrading of facilities and services for which the support is intended?

*No. Aristotle is being awarded \$3,001,540 over ten years to deploy a fixed wireless broadband service to 788 targeted locations in southern Missouri. After four years of receiving funding the company has failed to install **any** facilities in Missouri. Moreover, the company does not have any specific plans to install facilities in Missouri. Such inaction is not using support for the provision, maintenance, and upgrading of facilities and services for which by federal provision the support is intended. Staff disputes the company’s claim of meeting the initial broadband deployment milestone of making available broadband service to 40% of targeted locations by December 31, 2022. The company’s claim is based solely on reselling a fixed wireless broadband service provided by other companies.*

*Although it's questionable if Aristotle would have even been selected as the winning bidder to receive this funding using a resale plan, the company only recently produced agreements to resell services supplied by these other companies. Aristotle is also not fulfilling its obligation as an ETC to advertise the availability of broadband service. Consequently, Staff takes the position that Aristotle is simply collecting and stockpiling the federal funding as it tries to transfer its Missouri broadband funding obligations to another company.*

**WHEREFORE**, Staff respectfully asks that the Commission accept this *Statement of Position*; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

**/s/ Whitney Scurlock**

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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 6<sup>th</sup> day of December, 2023, to all counsel of record.

**/s/ Whitney Scurlock**