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

In the Matter of the Investigation of
Aristotle Unified Communications, LLC
Related to the Connect America Fund
Phase II Auction

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File No. TO-2023-0436

STAFF'S REPLY BRIEF

Respectfully submitted,

Whitney Scurlock
Chief Deputy Counsel
Missouri Bar No. 64078

Attorney for the Staff of the
Missouri Public Service Commission

January 3, 2023

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Staff provided substantial evidence in its *Initial Brief* to support its argument that the Missouri Public Service Commission should not recertify Aristotle Unified Communications, LLC, under provision 47 CFR 54.314. The burden is on Aristotle to prove that the funds were used for the provision, maintenance and upgrading of facilities and services for which the support is intended. The Company in *Aristotle’s Initial Brief* argues that because it provided a single spreadsheet reflecting areas on which its Connect America Phase II funding was allegedly spent that this is sufficient to substantiate its claim that it has used the funding appropriately. Staff here renews its position that the spreadsheet and photo provided by Aristotle justifying its use of \$1.3 million dollars in federal funding are insufficient to support its argument. Both items are created by the Company without further substantiation and even if the money was spent on the items listed in the spreadsheet, there is insufficient support to assure this Commission that the materials can be or will be used in Missouri.

Aristotle attempts to draw the Commission’s attention away from the Universal Service Administrative Company’s (USAC) audit of the Company’s federal funding, but Staff has heard no updates regarding such audit and certainly would not expect USAC to say anything prior to the completion of the audit. In fact, the suggestion that there is no

“reason to think there will be a negative outcome” is not based on anything more than Aristotle’s belief that entering agreements with two other entities to resell existing broadband capability meets the requirement of providing quality broadband to unserved or underserved Missouri citizens. Broadband service which no Missouri citizen is actually receiving as of the evidentiary hearing on December 12, 2023.

Finally, Aristotle attempts to convince this Commission that it should not consider the Federal Communication Commission’s (FCC) milestones, the fact that Aristotle has not created any independent network of its own using any of the equipment it has supposedly purchased for Missouri, the lack of advertising or customers, or the alleged negotiations to transfer service to another company that have transpired over four or more years. But those elements are the heart of the issue that raised Staff’s concerns that led to this investigation docket initially. If Aristotle is not providing any benefit to Missouri citizens then why should it continue to receive federal funding going into the future. That money may be put back into a community chest for future broadband considerations, it is true, but that will also signal to the FCC that Howell, Ozark and Oregon counties continue to be underserved by Aristotle’s failures to provide service to any customers in those counties. Aristotle has not met its burden of proving that it is meeting the requirements of 47 CFR 54.314 and it should not be recertified.

Respectfully submitted,

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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 3rd day of January, 2024, to all counsel of record.

/s/ Whitney Scurlock