

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

In the Matter of the Application of)
Fidelity Cablevision, LLC d/b/a)
Fidelity Communications to Amend and)
Expand its Designation as an Eligible)
Telecommunications Carrier in the)
State of Missouri to Receive Rural)
Digital Opportunity Fund (Auction 904))
Support for Voice and Broadband)
Services and to Receive Federal)
Lifeline And State Lifeline Support)

Case No. CA-2021-0282

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

1. On March 8, 2021, Fidelity Cablevision, LLC, d/b/a Fidelity Communications, (Company or Fidelity) filed an *Application to Amend and Expand Eligible Telecommunications Carrier Designation and for Waiver of 20 CSR 4240-4.017* with the Commission requesting that the Commission issue an order granting the Company expansion of its eligible telecommunications carrier (ETC) status for specific census blocks. The Company's first request, if approved, would permit it to receive federal high cost and low-income support pursuant to the Rural Digital Opportunity Fund (RDOF) auction held by the Federal Communications Commission (FCC). The Company also seeks to expand its designation to allow it federal and state Lifeline-only Program support for other census blocks.

2. The RDOF program is part of the FCC's attempt to bridge the digital divide. It seeks to expand high speed fixed broadband service to rural homes and small businesses presently lacking the service. Phase one of the auction began

October 29, 2020, and targeted over six million homes and businesses unserved by voice and broadband speeds with downloads of at least 25 Mbps. Phase two of the auction will cover areas that are partially unserved and those areas not covered in Phase one. Winning bidders must submit to the FCC proof of their ETC status within 180 days of being announced as a winning bidder.

3. The Company is presently certificated in the state of Missouri as a competitive local exchange carrier (CLEC). The Company included Exhibit 1 with its *Application*, which outlines the specific census blocks for which it requests expanded ETC designation.

4. Commission rule 20 CSR 4240-31.016 governs the specific eligible telecommunications carrier requirements that each applicant must meet. Applications must also comply with 20 CSR 4240-2.060 and shall be verified by oath as to the truthfulness contained in the application by an officer or director of the applicant.

5. The FCC requires all winning bidders to submit a Long Form that includes information about a company and its plans to fulfill its bid requirements, which must be approved prior to a company receiving any funds. The ETC process under 20 CSR 4240-31.016 does not address and is not designed to assess a company's technology broadband speed and latency capabilities.

6. Staff conducted an investigation and has provided a memorandum attached to this pleading as Appendix A. Staff's memorandum outlines the reasons why Staff believes Fidelity Cablevision has met the requirements of 20 CSR 4240-31.016 and should receive expanded ETC designation.

7. Fidelity Cablevision sought waiver of the 60-day notice requirement pursuant to the Commission's rule 20 CSR 4240-4.017.

WHEREFORE, Staff recommends that the Commission approve Fidelity Cablevision, LLC d/b/a Fidelity Communication's request for expansion of its designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income support and in compliance with the RDOF Auction; for expansion to allow for federal and state Lifeline-only Program support for other certain census blocks; that the designations be specific to the census blocks identified in Exhibit 1 of the *Application*; that the Commission grant waiver of the 60-day notice provision; and that it grant such other and further relief as the Commission considers just in the circumstances.

/s/ Whitney Payne

Whitney Payne
Senior Counsel
Missouri Bar No. 64078
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)
whitney.payne@psc.mo.gov

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 25th day of March, 2021, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CA-2021-0282

From: Kari Salsman, Research/Data Analyst
John Van Eschen, Regulatory Compliance Manager
Telecommunications Department

Subject: Staff's Recommendation to Approve Fidelity Cablevision, LLC
d/b/a Fidelity Communications' Request for Expansion of
Existing ETC Designation

Date: March 25, 2021

On March 8, 2021, Fidelity Cablevision, LLC d/b/a Fidelity Communications (Fidelity) filed an application for expansion of its designation as an Eligible Telecommunications Carrier (ETC).¹ The company is headquartered in Phoenix, AZ and is a certificated CLEC in Missouri.² Fidelity was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas.³ The RDOF funding requires the company to extend broadband service to a designated number of locations in certain census blocks. Fidelity seeks to expand its ETC designation to the won census blocks as well as Lifeline only ETC designation in additional areas of Missouri.⁴ The company is seeking Missouri USF support for Lifeline program purposes.

Federal authority enables state commissions to grant ETC status to a company.⁵ Missouri's ETC application requirements are contained in existing Missouri Commission rule 20 CSR 4240-31.016. Staff reviewed the company's request for compliance with Missouri's rules as well as federal requirements. In Staff's opinion the company has adequately met all requirements. Consequently Staff supports the company's application for expansion of its ETC status.

Staff recommends the Commission expand Fidelity Cablevision, LLC d/b/a Fidelity Communications' ETC status for the purpose of receiving federal high-cost and low income support and Missouri USF support in the area identified by census blocks in Exhibit 1 and federal low-income and Missouri USF support in the area identified by additional census blocks in Exhibit 1 of the company's application.

¹ ETC status granted in Case No. TA-2002-122 and expanded in Case No. CO-2021-0282 under the company's prior affiliate Fidelity Communications Services I, Inc. Fidelity Communications now serves as the ETC pursuant to the merger recognized in Case No. CN-2020-0128.

² Case No. TA-2000-192.

³ The company's parent Cable One, Inc. through its participation in the Wisper-CABO 904 Consortium, has been awarded \$1,159,206 over 10 years to extend broadband service to 857 locations. The company deploys fiber and copper as the last mile technology.

⁴ Census Block Service areas are listed in Exhibit 1 of ETC expansion application.

⁵ 47 U.S.C. §214(e)(2) and FCC rule §54.201.