

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of New Florence Telephone,)
LLC d/b/a Rally Networks for Expanded)
Designation as an Eligible) Case No. _____
Telecommunications Carrier for Purposes)
of Receiving Federal and State Lifeline)
and Disabled Support.)

**APPLICATION OF NEW FLORENCE TELEPHONE, LLC D/B/A RALLY NETWORKS
FOR EXPANDED DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER FOR PURPOSES OF RECEIVING FEDERAL AND STATE LIFELINE
AND DISABLED SUPPORT AND MOTION FOR WAIVER**

COMES NOW New Florence Telephone, LLC d/b/a Rally Networks (“Rally Networks” or “Applicant”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (“Act”); 47 CFR Sections 54.201 and 54.202; 20 CSR 4240-2.060; and 20 CSR 4240-31.016, and for its Application for designation as an expanded Eligible Telecommunications Carrier (“ETC”) for purposes of receiving federal and state Lifeline and Disabled Support and motion for waiver pursuant to 20 CSR 4240-4.017(1)(D), states to the Missouri Public Service Commission (“Commission”) as follows:

INTRODUCTION AND SUMMARY

1. Applicant is a Missouri limited liability company in good standing with its street address and principal place of business at 816 Oneida Street, Seneca, Missouri 64865. A copy of Applicant’s Certificate of Good Standing issued by the Missouri Secretary of State is attached as Exhibit 1. Applicant is an Incumbent Local Exchange Carrier (“ILEC”) certificated by the Commission to provide basic local and non-switched local telecommunications services.¹ Applicant is registered as an IVoIP provider to provide IVoIP services statewide.²

¹ File No. TA-88-54.

² File No. DA-2024-0287.

2. Applicant has been designated by the Commission as an ETC for purposes of receiving Federal Universal Service Fund (“USF”) in its certificated Missouri service area.³

3. By this Application, Applicant seeks expanded ETC designation throughout the State of Missouri in order to provide federal and state Lifeline and Disabled discounts to qualifying low-income and disabled subscribers. Applicant therefore seeks a “Lifeline and Disabled ETC designation” only.

4. All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

Wendy Ottman
816 Oneida Street
Seneca, MO 64865
wendyo@rallynet.us

W.R. England, III/Brian T. McCartney
Brydon, Swearengen & England P.C.
P.O. Box 456
312 East Capital Avenue
Jefferson City, MO 65102-0456
trip@brydonlaw.com
bmccartney@brydonlaw.com

5. Rally Networks currently provides local telecommunications and broadband internet access services in the Missouri exchange of New Florence.

6. As will be shown below, Applicant meets all statutory and regulatory requirements for its expanded ETC designation. A grant of this application will advance the public interest by meeting the goals of the federal and state Lifeline and state Disabled programs making voice and broadband services affordable to subscribers who are financially challenged and/or disabled.

7. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates,

³ *Order Approving Stipulation and Designation of Eligible Telecommunications Carrier* (issued December 4, 1997), Case No. TO-98-49.

which has occurred within the past three (3) years. Nor does Applicant have any Missouri annual reports or assessment fees that are overdue.

8. Applicant is not delinquent in the filing of any annual report or the payment of any assessment fees.

SERVICES OFFERED

9. Applicant will offer voice and broadband internet access services. Qualifying subscribers will be eligible for federal and state Lifeline and Disabled support. The rates Applicant proposes to charge for voice and broadband services will be reasonably comparable to urban rates for the same services.

ADVERTISING SERVICES

10. Applicant will continue to advertise the availability and prices of its voice and broadband services using media of general distribution where it provides services. Applicant plans to advertise its services and prices using newspapers, its publicly available website, direct mail, and through participation in local community events. In addition, Applicant will publicize the availability of its Lifeline and Disabled services in a manner reasonably designed to reach those likely to qualify for the services.

LIFELINE AND DISABLED SERVICE

11. Applicant will comply with all requirements associated with the federal Lifeline program contained in 47 CFR Part 54 Subpart E. Applicant will also comply with all requirements contained in 20 CSR 4240 Chapter 31 as they relate to the provision of Lifeline and Disabled services. Applicant's terms, conditions and rates for Lifeline and Disabled services will be contained on its publicly available website: www.rallynet.us.

ACCESS TO 911

12. Applicant will provide its voice subscribers with access to 911 and E911 emergency service.

ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

13. Applicant will have the ability to remain functional in emergency situations through the use of back-up power (i.e., fixed and mobile generators and/or batteries) to ensure functionality without an external power source. The generators and batteries are regularly checked as part of routine maintenance.

CONSUMER PROTECTION AND PRIVACY AND SERVICE QUALITY

14. Applicant will satisfy all applicable consumer protection requirements, as well as protect consumer privacy. Applicant has Customer Proprietary Network Information (CPNI) policies and procedures that are consistent with FCC regulations. Employees are required to complete CPNI training. Applicant also has internal policies and procedures to protect sensitive customer information from improper use and disclosure. Applicant's privacy and security policies are reinforced through periodic training required of all employees.

FINANCIAL AND TECHNICAL ABILITY

15. Applicant has the financial and technical ability to provide voice and broadband services. Applicant complies with Commission rules, as well as files Annual Reports with the Commission regarding its financial status. Applicant's service as a ILEC and its annual reporting to the Commission further supports its technical and financial ability to provide voice and broadband services.

OWNERSHIP INTERESTS

16. Applicant is a wholly owned subsidiary of New Florence Holdings, Inc. See paragraph 18 below.

OFFICERS AND DIRECTORS

17. The Officers and Directors of Applicant are as follows:

Garrin Bott, President

Marcus Bott, Vice President

Delinda Bott Kluser, Vice President

Wendy Ottman, Vice President

Sam Farr, Vice President

Colten Richards, Vice President

Deborah Bott, Treasurer

Deborah Bott, Secretary

All above-listed Officers are also Directors except for Delinda Bott Kluser and Wendy Ottman.

COMMON OWNERSHIP OR MANAGEMENT

18. Applicant's sister companies, New London Telephone Company, The Stoutland Telephone Company, Orchard Farm Telephone Company, Farber Telephone Company, Seneca Telephone Company, Goodman Telephone Company, and Ozark Telephone Company (all d/b/a "Rally Networks") have been designated as ETCs and participate in the federal and state Lifeline and Disabled programs.

REGISTERED NAME

19. Applicant commits to solely offer Lifeline and Disabled services using its fictitious name as registered with the Commission and the Missouri Secretary of State.

STATE OR FEDERAL REGULATORY OR LAW ENFORCEMENT MATTERS

20. No matters have been brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the Applicant involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction.

WEBSITE/TARIFF

21. Information about the Applicant's service and rates will be contained in its website www.rallynet.us and its tariff.

AFFIRMATIVE STATEMENTS

22. In accordance with 20 CSR 4240-31.016(2)(B)6, Applicant makes the following affirmative statements:

- a. Applicant will comply with the federal and state Lifeline and Disabled requirements;
- b. In addition to seeking federal Lifeline support, Applicant intends to seek Lifeline and Disabled support from the Missouri Universal Service Fund (MoUSF);
- c. Applicant commits to maintain a current list of Company-designated contacts with the Commission's Electronic Filing Information System (EFIS) and will notify the Commission of any changes to its Company contact information;

- d. Applicant is compliant with all reporting and assessment obligations of this Commission; and
 - e. Applicant is compliant with contribution obligations to the federal and state USF.
23. Applicant has not sought or obtained a waiver of any ETC requirement from the FCC.

A GRANT OF THE ETC DESIGNATION WILL
PROMOTE THE PUBLIC INTEREST

24. As demonstrated above, Applicant meets all of the statutory and regulatory requirements for designation as a Lifeline and Disabled ETC in the State of Missouri. Approval of the instant Application will advance the public's interest by fulfilling the goals of the federal and state Lifeline and Disabled support program by offering voice and broadband services to qualifying low-income and disabled customers. Being able to provide Lifeline and Disabled discounts to qualifying customers will promote greater access to high speed broadband and voice services.

APPLICANT'S FACILITIES USED TO OFFER SUPPORTED SERVICES

25. Applicant states that throughout the area(s) where it is designated as an ETC, it will offer the supported services using its own facilities (e.g., fiber optic cable) or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC).

MOTION FOR WAIVER

26. Commission Rule 20 CSR 4240-4.4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this

Application. As such, and to the extent required, Applicant seeks a waiver of the 60-day notice requirement.

27. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, Applicant declares (as verified below) that it has had no communication with the Office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Accordingly, for good cause shown, Applicant moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

WHEREFORE, Applicant respectfully requests the Commission to issue an Order that: (1) approves its Application for designation as an expanded ETC in order to participate in the federal and state Lifeline and Disabled support programs; (2) grants a waiver of the Commission notice of filing requirement in 20 CSR 4240-4.017(1); and (3) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ W. England, III
W.R. England, III Mo. #23975
Brian T. McCartney Mo. #47788
BRYDON, SWEARENGEN & ENGLAND P.C.
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Jefferson City, MO 65102-0456
trip@brydonlaw.com
bmccartney@brydonlaw.com
(573) 635-7166
(573) 634-7431 (FAX)

Attorneys for New Florence Telephone, LLC
d/b/a Rally Networks

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 6th day of May, 2024:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

/s/ W. England, III

VERIFICATION

COUNTY OF HOLT)
) ss.
STATE OF MISSOURI)

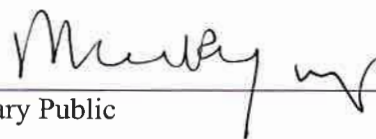
I, Wendy Ottman, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of New Florence Telephone, LLC d/b/a Rally Networks regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief. Additionally, no representative of Rally Networks has had any communication with the office of the Missouri Public Service Commission as defined in Commission Rule 20 CSR 4240-4.015(10) within the immediately preceding 150 days regarding the subject matter of this Application.



Wendy Ottman Vice President

Sworn and subscribed to before me this 18 day of April, 2024.





Notary Public

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

CORPORATION DIVISION
 CERTIFICATE OF GOOD STANDING

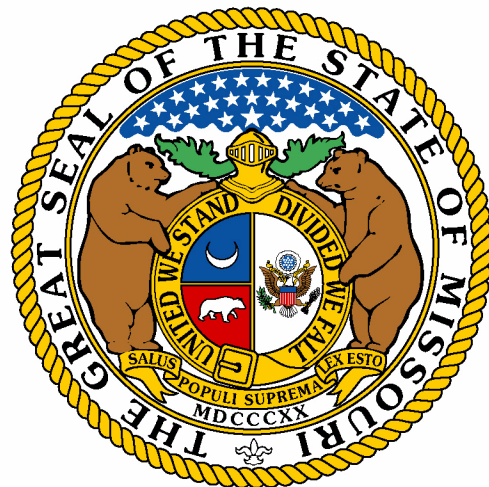
I, JOHN R. ASHCROFT, Secretary of State of the STATE OF MISSOURI, do hereby certify that the records in my office and in my care and custody reveal that

NEW FLORENCE TELEPHONE, LLC
LC014425724

was created under the laws of this State on the 22nd day of December, 1959, and is active, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 6th day of May, 2024.


 Secretary of State



Certification Number: CERT-05062024-0113