

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

In the Matter of the Partial Relinquishment of )  
 Eligible Telecommunications Carrier Designation )  
 by Fidelity Cablevision, LLC d/b/a ) Case No. \_\_\_\_\_  
 Fidelity Communications )  
 \_\_\_\_\_ )

**REQUEST TO PARTIALLY RELINQUISH ETC DESIGNATION  
AND REQUEST FOR WAIVER OF 20 CSR 4240-4.017**

COMES NOW Fidelity Cablevision, LLC d/b/a Fidelity Communications (the “Company”), pursuant to Section 214(e)(4) of the federal Communications Act of 1934, as amended (the “Act”),<sup>1</sup> Federal Communications Commission (“FCC”) Rule 54.205,<sup>2</sup> and Rule 31.015(4) of the Missouri Public Service Commission (the “Commission”),<sup>3</sup> and respectfully submits this request to relinquish portions of the Company’s eligible telecommunications carrier (“ETC”) designation related to the Rural Digital Opportunity Fund (“RDOF”) and to request a waiver of 20 CSR 4240-4.017. In support of this request, the Company states:

1. The Company is a Missouri limited liability company with a principal place of business at 64 North Clark Street, Sullivan, MO 63080, 573-468-8081 (telephone), 573-468-5440 (facsimile). The Company is a wholly owned subsidiary of Cable One, Inc. (“Cable One”), a publicly traded Delaware corporation (NYSE: CABO), and Cable One is the sole member of the Company. Cable One and its subsidiaries provide cable/video, Internet access, broadband, and voice services in 23 states, including Missouri. The Company’s corporate headquarters is located at 210 E. Earll Drive, Phoenix, AZ 85012.

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<sup>1</sup> 47 U.S.C. § 214(e)(4).  
<sup>2</sup> 47 C.F.R. § 54.205.  
<sup>3</sup> 20 CSR 4240-31.015(4).

2. The Company's predecessor entity – Fidelity Cablevision, Inc. (ID 130) – received a certificate of service authority to provide competitive telecommunications services in Missouri in Case No. TO-2000-192 by Order issued February 17, 2000. The Company assumed such authority by operation of law, which was approved by the Commission in Case No. CN-2020-0128 (issued November 12, 2019). The Company has been assigned Commission ID 7288.

3. The Commission designated the Company's prior affiliate – Fidelity Communication Services I, Inc. (ID 131) ("FCSI") - as an ETC for purposes of receiving federal and state Lifeline support in Missouri in the exchanges of Rolla, Salem, and Lebanon in Case No. TA-2002-122 (issued Nov. 6, 2001) and Case No. CO-2012-0282 (issued March 28, 2012).

4. In October 2019, FCSI was merged with and into the Company, with the Company as the surviving entity. In connection with the merger, the Company adopted the existing tariffs of FCSI and informed the Commission that the Company would now serve as the ETC pursuant to the merger as reflected in Tariff Tracking Nos. YC-2020-0079 and YC-200-0080. The Commission approved the changes by Order issued December 9, 2019 in Case No. CN-2020-0128. The Commission cancelled FCSI's certificate of service authority by Order issued January 2, 2020 in Case No. CO-2020-0172.<sup>4</sup>

5. In January 2020, the FCC adopted the framework and rules for Phase I of the RDOF auction (Auction 904) to connect millions of rural homes and small businesses to fixed high-speed broadband networks.<sup>5</sup> The Company's parent Cable One participated in Auction 904 as a member of the Wisper-CABO 904 Consortium (the "Consortium"). On December 7, 2020, the FCC

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<sup>4</sup> The Company also adopted the existing tariffs of Fidelity Communication Services II, Inc., Fidelity Long Distance, Inc., and Fidelity Networks, Inc., each of which was also merged with and into the Company, with the Company as the surviving entity. *See* Tariff Tracking Nos. YC-2020-0081, YC-2020-0082, YC-2020-0083, YC-2020-0084, YC-2020-0085, and YC 2020-0086.

<sup>5</sup> *Rural Digital Opportunity Fund, et al.*, 35 FCC Rcd 686 (2020) ("*RDOF Order*").

announced the results of Auction 904, and the Consortium was a winning bidder in numerous states, including Missouri. Pursuant to the FCC's process for distributing winning bids among related entities, the Consortium assigned the Company as the entity to receive RDOF support for certain winning bids in the state of Missouri. Other members of the Consortium were assigned other winning bids in Missouri.

6. The FCC required the Company (and other RDOF winning bidders) to obtain high-cost ETC designation in a state as a condition for receiving RDOF funding in that state. On April 28, 2021, in Case No. CA-2021-0282, the Commission expanded the Company's existing ETC designation to include certain RDOF areas as well as additional geographic areas in which the Company requested to be designated as an ETC for the provision of federal Lifeline services. On July 22, 2021, in Case No. CA-2021-0415, the Commission further expanded the Company's ETC designation to include additional geographic areas in which the Company requested to be designated as an ETC for the provision of federal Lifeline services.

7. On July 26, 2021, the FCC provided the Company (and numerous other RDOF winning bidders) with a list of census blocks covered by the Company's winning RDOF bids in which "concerns" had been raised that those areas "are already served by one or more service providers that offer 25/3 Mbps broadband service or otherwise raise significant concerns about wasteful spending, such as parking lots and international airports."<sup>6</sup> The FCC Letter asked the Company and other RDOF winning bidders to review their bids based on "significant concerns about the best use of [the public's] limited universal service funds."<sup>7</sup>

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<sup>6</sup> Letter from Michael Janson, FCC, to Fidelity Cablevision LLC (dated July 26, 2021) ("FCC Letter"), <https://us-fcc.app.box.com/s/lq4iqpjt8ukal4wve6hbrkbs5473kpcw/file/838639254441>.

<sup>7</sup> FCC Letter at n.4.

8. In response to the FCC Letter, on August 16, 2021, the Company informed the FCC that it would no longer pursue RDOF support for certain census blocks identified in the FCC Letter based on the Company's determination that those census blocks either contained no serviceable locations or already received broadband service at 25/3 Mbps or better. The Company also indicated it would further review its other RDOF winning bids to determine if the public interest would be served by relinquishing RDOF support for any of the Company's other winning bids.

9. On August 24, 2021, the Company informed the FCC that it would no longer seek RDOF support in several census blocks, including some of those for which it received ETC designation in Missouri.<sup>8</sup> In May 2022, the FCC acknowledged those Missouri census blocks the Company would no longer serve.<sup>9</sup>

10. On August 15, 2022, the Company filed a request with the Commission in File No. TO-2023-0074 to partially relinquish its ETC designation for certain RDOF areas and to relinquish the additional Lifeline ETC designation it received for non-RDOF areas in Case Nos. CA-2021-0282 and CA-2021-0415. The Company sought to retain the ETC authority it received in Case No. TA-2002-122 and Case No. CO-2012-0282. The Commission granted the Company's request on September 28, 2022 in File No. TO-2023-0074.

11. On October 17, 2024, the Company notified the FCC that it was withdrawing from the RDOF program for the state of Missouri.<sup>10</sup> The Company explained that its parent Cable One had made significant investment to deploy broadband in new geographic areas and to increase broadband speeds in existing areas, but the planned RDOF deployment in Missouri was no longer

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<sup>8</sup> FCC AU Docket No. 20-34, *et al.*, Petition for Waiver (filed Aug. 24, 2021), <https://www.fcc.gov/ecfs/search/search-filings/filing/108240356730305>.

<sup>9</sup> *Rural Digital Opportunity Fund Support for 2,061 Winning Bids Ready to Be Authorized; Bid Defaults Announced*, 37 FCC Rcd 5748 (2022).

<sup>10</sup> <https://www.fcc.gov/ecfs/document/10171527702153/1>.

viable due to unforeseeable costs that increased dramatically since the conclusion of the RDOF auction. On November 27, 2024, the FCC issued a Public Notice acknowledging the Company's withdrawal from the RDOF program for the state of Missouri.<sup>11</sup>

12. Accordingly, the Company files the instant request to relinquish its ETC designation for RDOF. The Company will retain its Lifeline ETC designation for those areas for the Rolla, Salem, and Lebanon exchanges (granted in Case No. TA-2002-122 and Case No. CO-2012-0282). The RDOF areas to be relinquished are set forth in **Exhibit 1**.

13. Federal law provides an objective standard for ETC relinquishment: a state commission "shall permit" an ETC to relinquish its ETC designation "in any area" so long as that area is served by more than one ETC.<sup>12</sup> FCC Rule 54.205 requires an ETC to "give advance notice to the state commission of such relinquishment."<sup>13</sup> The Commission's rules state the relinquishment of ETC status can be accomplished on 60-day notice upon a demonstration of compliance with 47 U.S.C. § 214(e)(4).<sup>14</sup> The Company meets the established standard for ETC relinquishment.

14. To the Company's knowledge, there are numerous other ETCs operating in the geographic areas for which the Company seeks relinquishment, including wireless ETCs and incumbent local exchange carriers ("ILECs"), as shown in **Exhibit 1**. In reviewing AT&T Missouri's request for relinquishment of its ETC authority, the Commission found there were

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<sup>11</sup> FCC AU Docket No. 20-34, *et al.*, *Wireline Competition Bureau Announces Mercury Wireless Indiana, LLC; Mercury Wireless Kansas, LLC; PVT Networks, Inc.; Cable One, VoIP LLC d/b/a Sparklight; and Fidelity Cablevision, LLC Defaults on Certain RDOF Census Block Groups in Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, and New Mexico*, Public Notice, DA 24-1199 (rel. Nov. 27, 2024), <https://www.fcc.gov/document/wcb-announces-mercury-pvt-cable-one-and-fidelity-rdof-defaults>.

<sup>12</sup> 47 U.S.C. § 214(e)(4); 47 C.F.R. § 54.205.

<sup>13</sup> 47 C.F.R. § 54.205(a).

<sup>14</sup> 20 CSR 4240-31.015(4).

numerous other ETCs operating in Missouri.<sup>15</sup> Further, other ILECs continue to have ETC obligations in the areas for which the Company seeks RDOF relinquishment.

15. No consumer will be impacted by the Company's request to relinquish its RDOF ETC designation because the Company does not serve any customers pursuant to its RDOF ETC designation. Thus, no customer notice is required in connection with the RDOF relinquishment.

16. Finally, there will be no discontinuance of service associated with the RDOF relinquishment because the Company does not currently serve any RDOF ETC customers in the geographic areas to be relinquished.

#### **REQUEST FOR WAIVER OF RULE 4.017**

17. Commission Rule 4.017 requires any person that intends to file a case to file a notice with the Secretary of the Commission a minimum of 60 days prior to filing such case. The rule, however, states a party may request a waiver of the requirement for good cause.

18. The Company respectfully requests a waiver of Commission Rule 4.017 for good cause to avoid a delay of 60 days to make this filing.

19. The Company confirms it has had no communication with any office of the Commission within the prior 150 days regarding any substantive issue likely to be germane to this proceeding.

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<sup>15</sup> See, e.g., Case No. IO-2017-0132.

**CONCLUSION**

WHEREFORE, for the foregoing reasons, the Company respectfully requests that the Commission issue an order confirming the Company's relinquishment of its RDOF ETC designation as well as waive 20 CSR 4240-4.017 and grant such other relief as this Commission deems to be just and equitable.

Dated: December 13, 2024

Respectfully submitted,

**FIDELITY CABLEVISION, LLC D/B/A  
FIDELITY COMMUNICATIONS**

*/s/ Carl J. Lumley* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered via electronic mail on this 13th day of December 2024 to the following parties:

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

Office of Public Counsel  
PO Box 7800  
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*/s/ Carl J. Lumley* \_\_\_\_\_



## VERIFICATION

I, Patrick N. Caron, a natural person, do hereby swear and affirm that I am the Associate General Counsel and Director of Government Affairs for Fidelity Cablevision, LLC d/b/a Fidelity Communications (the “Company”); that I am authorized to make this Verification on behalf of the Company; that the foregoing Request was prepared under my direction and supervision; and that the contents of the foregoing Request are true and correct to the best of my knowledge, information, and belief. I also hereby certify that neither I, nor any other member of this filing party, has had communications with a Commissioner, Commission Advisor, Regulatory Law Judge, member of the General Counsel, or any member of their support team in the 150 days prior to the filing date of this Request regarding any substantive issue included in this filing.

Dated this 13th day of December 2024.

*/s/ Patrick N. Caron*

Patrick N. Caron

**EXHIBIT 1**

The Company seeks to relinquish ETC designation in the following areas, which are the census block groups for which it received RDOF authorization. As explained above, the Company seeks to retain its Lifeline ETC designation granted in Case No. TA-2002-122 and Case No. CO-2012-0282 for the Rolla, Salem, and Lebanon exchanges. Other known ETCs in the area also are listed, which were determined using the “Companies Near Me” search function available on the Universal Service Administrative Company (USAC) website.

<b><u>County</u></b>	<b><u>RDOF Census Block Group</u></b>	<b><u>Located Near</u></b>	<b><u>Other ETCs</u></b>
Butler	290239502012	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless
Butler	290239503001	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless
Butler	290239503003	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless
Butler	290239503006	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless

<u>County</u>	<u>RDOF Census Block Group</u>	<u>Located Near</u>	<u>Other ETCs</u>
Butler	290239504002	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless
Butler	290239505002	Poplar Bluff	Windstream; SafeLink/Straight Talk/Tracfone; Boomerang Wireless; StandUP Wireless; Easy Wireless, GoSEMO; Assurance Wireless; Life Wireless; TAG Mobile; Assist Wireless; TruConnect; Access Wireless; AirTalk Wireless
Cass	290370614001	Harrisonville	CenturyLink; TAG Mobile; Assurance Wireless; TruConnect; Conexon Connect; SafeLink/Straight Talk/Tracfone; Wisper ISP; Life Wireless; Easy Wireless; Tempo Telecom; StandUP Wireless; Consolidated Communications; Access Wireless; AirTalk Wireless
Phelps	291618903002	Miller, Rolla	CenturyLink; Access Wireless; Life Wireless; Easy Wireless; AirTalk Wireless; U.S. Cellular; TruConnect; Miller Telephone Company; SafeLink/Straight Talk; Tracfone; TAG Mobile; Tempo Telecom; Assurance Wireless; Assist Wireless; Boomerang Wireless; TruConnect
Phelps	291618904001	Miller, Rolla	CenturyLink; Access Wireless; Life Wireless; Easy Wireless; AirTalk Wireless; U.S. Cellular; TruConnect; Miller Telephone Company; SafeLink/Straight Talk; Tracfone; TAG Mobile; Tempo Telecom; Assurance Wireless; Assist Wireless; Boomerang Wireless; TruConnect