

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Mark Twain Communications)
Company for Expanded Designation as an)
Eligible Telecommunications Carrier for)
Purposes of Receiving Federal and State)
Lifeline and Disabled Support.)

Case No. _____

**APPLICATION OF MARK TWAIN COMMUNICATIONS COMPANY
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 Mark Twain Communications Company ("Mark Twain") 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. Mark Twain is a Missouri corporation in good standing with its street address and principal place of business at 48054 State Highway 6, Hurdland, Missouri, 63547-0128. A copy of Mark Twain's Certificate of Good Standing issued by the Missouri Secretary of State is attached as Exhibit 1. Mark Twain is a Competitive Local Exchange Carrier ("CLEC") certificated by the Commission to provide basic local, non-switched local, and interexchange telecommunications services.¹ Mark Twain's affiliate, Mark Twain Long Distance, Inc., is

¹ Case Nos. TA-98-305, TA-2002-0446, and XA-2010-0031.

certificated to provide interexchange telecommunications services and is registered as an IVoIP provider to provide IVoIP services statewide.²

2. Mark Twain has been designated by the Commission as an ETC for purposes of receiving Federal Universal Service Fund (“USF”) support in the Ewing, LaBelle, and Lewistown, Missouri, exchanges.³ It has also been designated as an ETC in specific census blocks in order to receive Federal Connect America Fund Phase II support.⁴ As an ETC, Mark Twain provides Lifeline and Disabled services to its existing local exchange customers.

3. By this Application, Mark Twain 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. Mark Twain therefore seeks a statewide “Lifeline and Disabled ETC designation” only.

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

Jim Lyon, CEO and General Manager
Mark Twain Communications Co.
48054 State Highway 6
P.O. Box 128
Hurdland, MO 63547
gm@marktwain.coop

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

5. Mark Twain currently provides local telecommunications and broadband internet access services in the exchanges of Ewing, LaBelle, and Lewistown. In addition, Mark Twain provides broadband services via its fixed wireless network in portions of Schuyler, Scotland,

² Case No. TO-97-247 and File No. DA-2018-0283.

³ *Order Designating Mark Twain Communications Company as an ETC*; see also *Order Correcting Order*, issued January 19, 2006 (issued June 15, 2000), Case No. TA-2000-591.

⁴ File No. CA-2019-0117, *Order Granting Application as an ETC*, issued December 12, 2018.

Knox, Clark, Adair, Lewis, Macon, Shelby, Ralls, Monroe, and Marion Counties, including customer locations awarded in the CAF II auction.

6. As will be shown below, Mark Twain 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. Mark Twain 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, which has occurred within the past three (3) years. Nor does Mark Twain have any Missouri annual reports or assessment fees that are overdue.

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

SERVICES OFFERED

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

ADVERTISING SERVICES

10. Mark Twain will continue to advertise the availability and prices of its voice and broadband services using media of general distribution where it provides services. Mark Twain plans to advertise its services and prices using newspapers, its publicly available website, direct mail, and through participation in local community events. In addition, Mark Twain 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. Mark Twain will comply with all requirements associated with the federal Lifeline program contained in 47 CFR Part 54 Subpart E. Mark Twain will also comply with all requirements contained in 20 CSR 4240 Chapter 31 as they relate to the provision of Lifeline and Disabled services. Mark Twain's terms, conditions and rates for Lifeline and Disabled services will be contained on its publicly available website: www.marktwain.net.

ACCESS TO 911

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

ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

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

FINANCIAL AND TECHNICAL ABILITY

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

OWNERSHIP INTERESTS

16. Applicant Mark Twain is owned by Mark Twain Long Distance, Inc. ("MTLD") and Mark Twain Rural Telephone Company ("MTRT"), each of which holds a 50 percent direct ownership interest in Applicant. MTLD is a wholly owned subsidiary of MTRT. MTRT is a Missouri telephone cooperative that is owned by its member subscribers. No member subscriber has a ten percent (10%) or greater interest in MTRT. MTRT is controlled by its board of directors. The same individuals comprise the board of directors of Applicant and MTLD. MTRT is an "Incumbent Local Exchange Carrier" and a "Telephone Cooperative" as those terms are defined by § 386.020, RSMo.

OFFICERS AND DIRECTORS

17. The Officers and Directors of Mark Twain are as follows:

Daniel Griesbaum, President

Gary Gooch, Vice President

David Jones, Secretary

Cody James, Treasurer

Jim Pinson, Director

Joe Delaney, Director

Kelly Lindsey, Director

Rex Sykes, Director

All above-listed Officers are also Directors.

Jim Lyon, CEO and General Manager

COMMON OWNERSHIP OR MANAGEMENT

18. Mark Twain's parent company, MTRT has been designated as an ETC and participates in the federal and state Lifeline and Disabled programs. Mark Twain is also affiliated with Mark Twain Long Distance Company, a Missouri corporation in good standing, certificated by or registered with the Commission to provide intrastate interexchange telecommunications services and IVoIP services.⁵

REGISTERED NAME

19. Mark Twain commits to solely offer Lifeline and Disabled services using its 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 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 Mark Twain involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction.

WEBSITE/TARIFF

21. Information about Mark Twain's service and rates will be contained in its website www.marktwain.net and its tariff.

⁵ Order issued January 14, 1997, Case No. TO-97-247, and Registration issued April 20, 2018, Case No. DA-2018-0283.

AFFIRMATIVE STATEMENTS

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

- a. Mark Twain will comply with the federal and state Lifeline and Disabled requirements;
- b. In addition to seeking federal Lifeline support, Mark Twain intends to seek Lifeline and Disabled support from the Missouri Universal Service Fund (MoUSF);
- c. Mark Twain 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. Mark Twain is compliant with all reporting and assessment obligations of this Commission; and
- e. Mark Twain is compliant with contribution obligations to the federal and state USF.

23. Mark Twain 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, Mark Twain 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 programs 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.

MARK TWAIN'S FACILITIES USED TO
OFFER SUPPORTED SERVICES

25. Mark Twain 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, Mark Twain 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, Mark Twain 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, Mark Twain 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, Mark Twain 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/ Brian T. McCartney
W.R. England, III Mo. #23975
Brian T. McCartney Mo. #47788
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bmccartney@brydonlaw.com
(573) 635-7166
(573) 634-7431 (FAX)

Attorneys for Mark Twain Communications
Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 18th day of December, 2024:

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

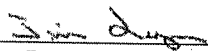
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

/s/ Brian T. McCartney

VERIFICATION

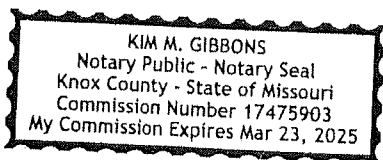
COUNTY OF KNOX)
) ss.
STATE OF MISSOURI)

I, Jim Lyon, being duly sworn upon my oath, state that I am over 21, sound of mind, and authorized to act on behalf of Mark Twain Communications Company 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 Mark Twain Communications Company 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.



Jim Lyon, CEO and General Manager

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





Notary Public