

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

In the Matter of the Partial Relinquishment        )  
of Designation as an Eligible                        )  
Telecommunications Carrier of Mercury            )  
Wireless Kansas, LLC d/b/a Mercury              )  
Broadband    )  
**File No. DD-2025-0179**

**MOTION TO PARTIALLY CANCEL THE DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and moves for the Missouri Public Service Commission (“Commission”) to partially cancel the designation of Mercury Wireless Kansas, LLC d/b/a Mercury Broadband (“Mercury Broadband”) as an eligible telecommunications carrier (“ETC”) and states as follows:

1. The Commission previously granted ETC status to Mercury Broadband in Case No. RA-2019-0094 on November 15, 2018. In Case No. DA-2021-0189 the Commission granted Mercury Broadband’s<sup>1</sup> request to expand the service area over which it is designated as an ETC. Mercury Broadband’s expanded ETC service area allowed it to receive federal low-income support and high-cost support pursuant to the Rural Digital Opportunity Fund (“RDOF”) auction held by the Federal Communications Commission (“FCC”).

2. Mercury Broadband filed a letter with the Commission on December 6, 2024, seeking relinquishment of its designation as an ETC of the service area granted in DA-2021-0189.

3. Pursuant to 20 CSR 4240-31.015(4) relinquishment of ETC status is accomplished by providing a letter signed by an authorized company official or

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<sup>1</sup> In Case No. DN-2021-0189 the Commission recognized the name change of Mercury Wireless Kansas, LLC to Mercury Wireless Kansas, LLC d/b/a Mercury Broadband.

representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4). As explained in Staff's Memorandum, attached hereto as Appendix A, Staff has reviewed Mercury Broadband's Notice and states that Mercury Broadband has met the requirements of 20 CSR 240-31.015(4) and is in compliance with 47 U.S.C. 214(e)(4), and thus, recommends the Commission approve the partial relinquishment of Mercury Broadband's ETC designation in Missouri.

4. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

**WHEREFORE**, Staff respectfully recommends the Commission cancel Mercury Wireless Kansas, LLC d/b/a Mercury Broadband designation as an eligible telecommunications carrier for the areas identified by census blocks in Exhibit A of their letter dated December 6, 2024; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

**/s/ Ron Irving**

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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 7<sup>th</sup> day of January, 2025, to all counsel of record.

**/s/ Ron Irving**

## MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. DD-2025-0179

**From:** Kari Salsman, Senior Research/Data Analyst  
John VanEschen, Regulatory Compliance Manager  
Telecommunications Department

**Subject:** Staff's Recommendation for Mercury Wireless Kansas, LLC d/b/a  
Mercury Broadband's Notice of Partial Relinquishment of Its Eligible  
Telecommunication Carrier Designation.

**Date:** January 7, 2025

On December 6<sup>th</sup>, Mercury Wireless Kansas, LLC d/b/a Mercury Broadband (Mercury Broadband) filed a request for the Missouri Public Service Commission (Commission) to relinquish a portion of its Eligible Telecommunications Carrier (ETC) designation in the State of Missouri which was previously granted in its expansion request approved by the Commission.<sup>1</sup> The areas the company is requesting to relinquish ETC designation is in Exhibit A of the application. The company is relinquishing a portion of its ETC designation due its withdrawal from the Rural Digital Opportunity Fund (RDOF) program in Missouri.

The requirements for relinquishment of ETC status are contained in Commission rule 20 CSR-4240-31.015. This rule indicates a company can relinquish its ETC designation by providing a letter signed by an authorized company official or representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4). These federal requirements are codified in FCC rule 47 CFR 54.205 and essentially are intended to ensure the affected area will continue to be served by at least one ETC.

The Federal Communications Commission recently issued a Public Notice announcing the Company's area in Missouri receiving Rural Digital Opportunity Funding is now eligible for other funding programs.<sup>2</sup> The Company notified the FCC of its desire to not fulfill its commitment to offer voice and broadband service in Missouri and several other

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<sup>1</sup> On February 10, 2021 Case No. DA-2021-0189 expanded the Company's existing ETC service area to allow it to receive federal low-income support and high-cost support pursuant to the Rural Digital Opportunity Fund auction held by the FCC.

<sup>2</sup> Public Notice; 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; DA 24-1199; released November 27, 2024.

states.<sup>3</sup> According to the Public Notice the Company will be subject to penalties for defaulting on its funding obligation. The company has no lifeline subscribers in the area it is relinquishing, therefore, no consumers would be affected. In Staff's opinion the company has satisfied federal requirements.

Staff recommends the Commission approve the partial relinquishment of Mercury Wireless Kansas, LLC d/b/a Mercury Broadband's ETC designation according to Exhibit A of its application.

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<sup>3</sup> The Company was awarded \$3,378,309 in RDOF support over 10 years to serve 5,023 locations in Missouri.