

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Staff's Review of Information
Regarding Section 54.314 ETC Certification

)
)

File No. TO-2020-0352

ORDER OPENING A REPOSITORY FILE REGARDING STAFF'S REVIEW OF ETC CERTIFICATION AND ESTABLISHING A PROTECTIVE ORDER

Issue Date: May 19, 2020

Effective Date: May 19, 2020

The Commission is opening this file at the request of its Staff to assist Staff in its review of the status of Eligible Telecommunications Companies (ETCs) that are designated to receive federal universal service funding. That review is required by 47 CFR § 54.314, a rule of the Federal Communications Commission that requires state commissions to annually certify that all federal high-cost support provided to ETC carriers within that state was used in the preceding year, and will be used in the coming year, for the purposes for which it was intended. More than forty ETCs in Missouri currently draw federal high-cost support and must be reviewed by Staff before certification can be made.

To assist it in its review, Staff asks the Commission to open a file through which it can conduct discovery regarding each ETC and in which the ETCs can file the necessary information. This file is established for that purpose.

Staff also asks the Commission to issue a protective order to restrict disclosure of trade secrets of the ETCs from which it will be seeking information. Commission rule 20 CSR 4240-2.135 establishes standards for handling confidential information at the Commission. That rule allows certain information, including trade secrets, to be protected from disclosure. Section 20 CSR 4240-2.135(3) allows for the issuance of protective order

to protect specific information from disclosure. Subsection (4) of the same rule authorizes the Commission to order greater “highly confidential” protection than provided for by confidential designation when such protection is appropriate.

Staff anticipates that the information it obtains from the various ETC will be competitively sensitive trade secrets that will need to be protected from disclosure to the ETCs that are competing with the ETC that is filing the information. Staff asks that such information be designated as highly confidential and that only Staff, the Commission, and the Office of the Public Counsel be allowed to view that information. The Commission will order that the responses filed by the various ETCs may be designated by them as highly confidential.

Staff plans to send data requests to the ETCs to obtain the information it needs. The ETC’s responses to the data requests must then be made through the data request system so that other ETCs will not be able to view the responses of the responding ETC. Staff asked that the Commission designate a list of ETCs as parties to this case, presumably to facilitate the data request process.

This file is only for the collection of information by Staff. It is not a contested case. If Staff wants to ask the Commission to take any action against an ETC it will need to do so in a separate case.

THE COMMISSION ORDERS THAT:

1. This case is established as a repository for documents and information regarding Staff’s review of the status of Eligible Telecommunications Companies (ETCs) that are designated to receive federal universal service funding

2. All responsive information submitted to Staff by an ETC may be designated by the ETC as highly confidential and may be viewed only by Staff, the Commission, and the Office of the Public Counsel. Highly confidential information may not be viewed by any ETC other than the ETC that submitted the information.

3. The Commission's data center shall provide a copy of this order to all Missouri companies designated as ETCs eligible to receive federal high-cost support, as listed in Attachment A to Staff's motion to open this file.

4. All such companies shall be added to the service list for this file and shall be made parties to the file.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 19th day of May, 2020.

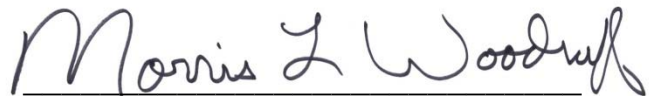
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 19th day of May 2020.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 19, 2020

File/Case No. TO-2020-0352

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

**Missouri Public Service
Commission**

Whitney Payne
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
whitney.payne@psc.mo.gov

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Distributed to all Missouri Companies Designated as ETCs Eligible to Receive Federal High-Cost Support, as Listed in Attachment A to Staff's Motion to Open this File.

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.