

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Fidelity )  
Cablevision, LLC d/b/a Fidelity Communications )  
to Amend and Expand its Designation as an )  
Eligible Telecommunications Carrier in the State ) **File No. CA-2021-0282**  
of Missouri to Receive Rural Digital Opportunity )  
Fund (Auction 904) Support for Voice and )  
Broadband Services and to Receive Federal )  
Lifeline and State Lifeline Support )

## ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE, AND DIRECTING STAFF TO FILE A RECOMMENDATION

Issue Date: March 8, 2021

Effective Date: March 8, 2021

On March 8, 2021, Fidelity Cablevision, LLC d/b/a Fidelity Communications filed its application for expanded designation as a wireless Eligible Telecommunications Carrier. The Commission will direct its Data Center to issue notice of the application, set a deadline for requests to intervene, and direct the Staff of the Commission to file a recommendation.

### THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send notice of this application to all local exchange carriers certificated to provide service in Missouri.
2. Requests to intervene shall be filed with the Commission no later than March 23, 2021.
3. The Staff of the Commission shall file a recommendation no later than April 8, 2021.
4. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Ronald D. Pridgin, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 8<sup>th</sup> day of March, 2021.

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

|                                             |   |                |
|---------------------------------------------|---|----------------|
| In the Matter of the Application of         | ) |                |
|                                             | ) |                |
| <b>FIDELITY CABLEVISION, LLC D/B/A</b>      | ) | Case No. _____ |
| <b>FIDELITY COMMUNICATIONS</b>              | ) |                |
|                                             | ) |                |
| to Amend and Expand Its Designation as an   | ) |                |
| Eligible Telecommunications Carrier in the  | ) |                |
| State of Missouri to Receive Rural Digital  | ) |                |
| Opportunity Fund (Auction 904) Support for  | ) |                |
| Voice and Broadband Services and to Receive | ) |                |
| Federal Lifeline and State Lifeline Support | ) |                |
| _____                                       | ) |                |

**APPLICATION TO AMEND AND EXPAND  
ELIGIBLE TELECOMMUNICATIONS CARRIER 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)(2) of the federal Communications Act of 1934, as amended (the “Act”),<sup>1</sup> the rules and regulations of the Federal Communications Commission (“FCC”),<sup>2</sup> and Rules 2.060 and 31.016 of the Missouri Public Service Commission (“Commission”),<sup>3</sup> and submits this Application to Amend and Expand its Eligible Telecommunications Carrier Designation (“Application”) and Request for Waiver of 20 CSR 4240-4.017, which states:

**BACKGROUND**

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.201, 54.202; *see also* AU Docket No. 20-34, *et al.*, *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, 35 FCC Rcd 13888 (“Public Notice”); *Lifeline and Link Up Reform and Modernization; et al.*, 27 FCC Rcd 6656 (2012) (“Lifeline Reform Order”).

<sup>3</sup> 20 CSR 4240-2.060; 20 CSR 4240-31.016.

1. 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.

2. The Commission designated the Company's prior affiliate – Fidelity Communication Services I, Inc. (ID 131) ("FCSI") - as an eligible telecommunications carrier ("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).

3. 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>

4. In January 2020, the FCC adopted the framework and rules for Phase I of the Rural Digital Opportunity Fund ("RDOF") auction (Auction 904) to connect millions of rural homes and small businesses to fixed high-speed broadband networks.<sup>5</sup> The FCC designed Phase I of the auction to award up to \$16 billion over 10 years to service providers that commit to offer

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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").

voice and broadband services to fixed locations in eligible unserved high-cost census block groups. The framework for the RDOF builds upon the FCC’s successful Connect America Fund Phase II (CAF-II) auction that was completed in 2018.<sup>6</sup>

5. The Company’s parent, Cable One, Inc. (“Cable One”), participated in Auction 904 as a member of the Wisper-CABO 904 Consortium (the “Consortium”). On December 7, 2020, the FCC issued the *Public Notice* announcing the results of Auction 904, and the Consortium was the winning bidder in numerous states, including Missouri.<sup>7</sup> Pursuant to the FCC’s process for distributing winning bids among related entities,<sup>8</sup> the Consortium assigned the Company as the entity to receive RDOF support for the winning bids in the state of Missouri. The Company was designated as the entity to fulfill the public interest obligations associated with receiving RDOF support for Missouri in the long-form application (FCC Form 683) filed with the FCC.

6. The FCC’s *Public Notice* also established several deadlines in connection with Auction 904. The FCC requires the Company to provide documentation to the FCC no later than 6:00pm Eastern on June 7, 2021 that the Company has been designated as a high-cost ETC for the census block groups for which the Company will receive RDOF support.<sup>9</sup> The Company’s receipt of RDOF funding is conditioned upon the Company obtaining designation as an ETC in the RDOF portions of the Designated Service Area. An officer of the Company also is required to certify to the FCC on that date that the ETC designation covers all of the census block groups for which the Company will receive RDOF support.

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<sup>6</sup> The Commission conducted ETC designation proceedings in connection with the CAF-II auction. *See, e.g.*, Case Nos. TA-2019-0114, TA-2019-0147.

<sup>7</sup> *Public Notice*, Attachment A at 29-30.

<sup>8</sup> *Public Notice* ¶¶ 9-14.

<sup>9</sup> *Public Notice* ¶ 17.

7. In addition to seeking ETC designation for purposes of RDOF funding, entities also may seek Lifeline-only ETC designation in areas not eligible for high-cost support for the limited purpose of becoming eligible to receive Lifeline support (although recognizing the ETC will be obligated to provide Lifeline services throughout the entire designated area).<sup>10</sup>

8. Accordingly, the Company seeks to expand its existing ETC designation to receive (1) RDOF support for the provision of voice and broadband services in certain Census Block Groups and (2) federal and state Lifeline-only support in other geographic areas of Missouri (collectively, the “Designated Service Area” as set forth in **Exhibit 1**).

9. The Company meets all statutory and regulatory requirements for designation as an ETC in the state of Missouri. Accordingly, the Company respectfully requests the Commission grant its Application for expanded ETC status in the Designated Service Area on an expedited basis prior to the June 7, 2021 FCC deadline.

**INFORMATION REQUIRED UNDER COMMISSION RULE 2.060**

10. Commission Rule 2.060(1)(A). The Company has a principal place of business at 64 North Clark Street, Sullivan, MO 63080, 573-468-8081 (telephone), 573-468-5440 (facsimile). The Company’s corporate headquarters is located at 210 E. Earll Drive, Phoenix, AZ 85012.

11. Commission Rule 2.060(1)(B) and (E). The Company is a Missouri limited liability company. Copies of the Company’s Certificate of Good Standing from the Missouri Secretary of State and registration of the fictitious name “Fidelity Communications” can be

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<sup>10</sup> Public Notice at n.72; see also *Wireline Competition Bureau Seeks Comment on Petitions for Designation as an Eligible Telecommunications Carrier for the Purpose of Becoming Eligible to Receive Connect America Fund Phase II Auction Support*, 33 FCC Rcd 9764 (2018) (“Recipients of high-cost support, including recipients of CAF support awarded pursuant to Auction 903, must offer the Lifeline discount on all qualifying services in areas where an ETC receives high cost support, deploy a network capable of delivering service that meets the Lifeline program’s minimum service standards, and commercially offer such service pursuant to its high-cost obligation.”).

found in Case No. CN-2020-0128, which the Company asks to be incorporated by reference herein pursuant to Commission Rule 2.060(1)(G). The Company also has registered the fictitious name of “Sparklight” with the Missouri Secretary of State as reflected in **Exhibit 2**, and plans to use that name in the future. The Company will notify the Commission when it starts using the Sparklight name in Missouri.

12. Commission Rule 2.060(1)(H). The Company provides video, voice, and Internet access services in Missouri and Oklahoma. As set forth above, the Company has been authorized to provide competitive telecommunications services in Missouri since 2000. The Company is a wholly owned subsidiary of 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 21 states, including Missouri. The Company also holds ETC designation in Oklahoma, which was obtained in November 2011. Other subsidiaries of Cable One also hold ETC designation in Illinois (obtained in September 2009), and have ETC designation petitions pending in various states in connection with the RDOF auction.

13. Commission Rule 2.060(1)(I). The Company requests that all inquiries, correspondence, notices, orders, and decisions in this matter be directed to:

Carl J. Lumley, #32869MO  
CURTIS, HEINZ, GARRETT & O’KEEFE, P.C.  
130 S. Bemiston, Suite 200  
Clayton, Missouri 63105  
314-725-8788 (telephone)  
clumley@chgolaw.com

With a copy to:

Chérie R. Kiser  
Angela F. Collins  
CAHILL GORDON & REINDEL LLP

1990 K Street, NW, Suite 950  
Washington, DC 20006  
202-862-8900 (telephone)  
ckiser@cahill.com  
acollins@cahill.com

14. Commission Rule 2.060(1)(K). The Company states it does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates within the past three (3) years.

15. Commission Rule 2.060(1)(L). The Company states that no annual reports or assessment fees due to the Commission are overdue.

16. Commission Rule 2.060(1)(M). The Company attaches an affidavit by an authorized officer of the company.

#### **INFORMATION REQUIRED UNDER FCC RULES**

17. Section 214(e)(1) of the federal Act and the FCC's rules set forth certain requirements for ETC designation.<sup>11</sup> The Company meets each of these requirements.

18. FCC Rule 54.201(c); FCC Rule 54.202(b). An ETC applicant must demonstrate the ETC designation is consistent with the public interest, convenience, and necessity, and in the case of an area served by a rural telephone company, demonstrate the public interest will be met by an additional designation.

19. Granting the Company's request to expand its ETC designation as set forth herein is consistent with the public interest, convenience, and necessity. The expanded ETC designation will permit the Company to use RDOF support to offer voice and broadband services in the Designated Service Area, which consists of unserved, high-cost areas of Missouri, and to provide Lifeline services to low-income consumers. The Company will invest in facilities and

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<sup>11</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.201, 54.202.

equipment in the Designated Service Area. The planned investment and deployment in the Designated Service Area will further the goals of the Commission and the FCC by expanding the reach of digital connectivity to promote economic growth in rural areas and ensure quality communications services are available at “just, reasonable, and affordable rates.”<sup>12</sup> As the FCC has observed, “an important goal of the [federal] Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”<sup>13</sup>

20. FCC Rule 54.201(d). An ETC applicant must be a “common carrier” as defined by federal law.<sup>14</sup> The Company is a common carrier. As stated above, it has been authorized by the Commission to provide competitive telecommunications services in Missouri. The Company also is authorized by the FCC to provide interstate and international long distance telecommunications services. The Company will provide broadband Internet access service and voice service in the Designated Service Area. The Company will provide the supported voice services in the Designated Service Area as either telecommunications service or interconnected Voice over Internet Protocol (“VoIP”) service. As to customers and locations in which the Company is awarded RDOF support or Lifeline-only customers, the Company will provide its voice service on a common carrier basis.

21. FCC Rule 54.201(d)(1); FCC Rule 54.201(i). An ETC applicant must demonstrate that it is capable of providing and will continuously provide the supported services throughout the service area either by using its own facilities or a combination of its own facilities

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<sup>12</sup> 47 U.S.C. § 254(b)(1).

<sup>13</sup> *Federal-State Joint Board on Universal Service*, 16 FCC Rcd 48, ¶ 17 (2000).

<sup>14</sup> 47 U.S.C. § 153(11).

and the resale of another carrier's services. The Company will offer the services that are supported by the federal universal service support mechanisms in the Designated Service Area either using its own facilities or a combination of its own facilities and the resale of another carrier's services.

22. Under current FCC rules, the two services supported by the federal universal service support mechanisms are (1) voice telephony services and (2) broadband Internet access services.<sup>15</sup> Eligible voice telephony services must provide voice grade access to the public switched telephone network ("PSTN") or its functional equivalent, minutes of use for local service provided at no additional charge, access to emergency 911 and enhanced 911 service in locations where implemented, and for qualifying low-income consumers, toll limitation service.<sup>16</sup> Eligible broadband Internet access services must provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.<sup>17</sup>

23. The Company certifies that it will offer voice and broadband services in the Designated Service Area that comply with the FCC's requirements. The Company's voice offering will provide voice grade access to the PSTN and will include unlimited local calling. In addition, the Company's voice offering will provide consumers with access to 911 and enhanced 911 to the extent local governments have implemented such services. The FCC eliminated the requirement to provide toll limitation services if the Lifeline offering provides a set amount of

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<sup>15</sup> 47 C.F.R. § 54.101.

<sup>16</sup> 47 C.F.R. § 54.101(a)(1).

<sup>17</sup> 47 C.F.R. § 54.400(l).

minutes that do not distinguish between toll and non-toll calls.<sup>18</sup> The Company plans to offer a Lifeline voice plan with unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area.

24. Similarly, the Company's broadband Internet access service offering will provide consumers with the capability to transmit data to and receive data from all or substantially all Internet endpoints. The Company's broadband Internet access service offering will meet the minimum service standards required by the FCC's rules,<sup>19</sup> as well as the service standards applicable for the receipt of RDOF funding.<sup>20</sup>

25. The Company will use a combination of its own facilities and the facilities of other providers to offer the supported services in the Designated Service Area. Under FCC rules, facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services or when service is provided by any affiliate within the holding company structure.<sup>21</sup> Further, the Company will submit detailed information to the FCC regarding the Company's intended technology and system design for the provision of RDOF-funded services in the Designated Service Area, including network diagrams certified by a professional engineer.<sup>22</sup>

26. FCC Rule 54.201(d)(2); FCC Rule 54.405(b)-(d). An ETC applicant must demonstrate that it will advertise the availability of its offering and the charges therefor using media of general distribution. The Company will publicize the availability of its voice and

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<sup>18</sup> *Lifeline Reform Order* ¶ 49.

<sup>19</sup> 47 C.F.R. § 54.408.

<sup>20</sup> *RDOF Order* ¶¶ 31, 33.

<sup>21</sup> See, e.g., *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, 33 FCC Rcd 6696, nn. 23-24 (2018).

<sup>22</sup> *Public Notice* ¶¶ 16-17.

broadband service offerings throughout the Designated Service Area using media of general distribution.<sup>23</sup> The Company will use a combination of digital and traditional media, such as the Internet, outbound email, outdoor advertising, radio advertising, newspaper and magazine advertising, and direct marketing materials. The Company also will rely on the marketing practices and advertising expertise of Cable One to advertise the availability of its service offerings in the Designated Service Area.

27. In addition, with respect to Lifeline services, the Company will publicize the availability of its Lifeline service offerings in the Designated Service Area in a manner reasonably designed to reach those likely to qualify for the service.<sup>24</sup> Using easily understood language, the Company will indicate on all materials describing its Lifeline service that: (1) it is a Lifeline service; (2) Lifeline is a government assistance program; (3) the service is non-transferable; (4) only eligible consumers may enroll in the program; and (5) the program is limited to one discount per household.<sup>25</sup> The Company also will disclose its name or its DBA name on all materials describing the Lifeline service.<sup>26</sup>

28. FCC Rule 54.201(h); FCC Rule 54.202(a)(4). An ETC applicant seeking to provide Lifeline services must demonstrate it is financially and technically capable of providing Lifeline service in compliance with the FCC's rules. The FCC has stated that the "relevant considerations" for satisfying this requirement would be whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether

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<sup>23</sup> 47 C.F.R. § 54.201(d)(2).

<sup>24</sup> 47 C.F.R. § 54.405(b).

<sup>25</sup> 47 C.F.R. § 54.405(c). For these purposes, the term "materials describing the service" includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms. *See id.*

<sup>26</sup> 47 C.F.R. § 54.405(d).

the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.<sup>27</sup>

29. The Company is financially and technically capable of offering Lifeline services in the Designated Service Area. The Company's parent and affiliates have been offering services in Missouri and several other states for many years. Cable One also can provide the Company with financial and technical support as needed, and the Company will utilize the same management and day-to-day operational personnel.<sup>28</sup> The Company provides non-Lifeline voice services in Missouri and Oklahoma today, and will not rely exclusively on universal service fund disbursements to operate. Finally, the Company has not been subject to enforcement action or ETC revocation proceedings in any state.

30. FCC Rule 54.202(a)(1). An ETC applicant must certify that it will comply with the service requirements applicable to the support it receives, and submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. A five-year network improvement plan is no longer necessary for entities seeking Lifeline-only designation.<sup>29</sup> The FCC also has waived the requirement for a winning bidder in Auction 904 to file a five-year network improvement plan as part of the ETC designation process.<sup>30</sup> The Company certifies that it will comply with the service requirements applicable to RDOF support and Lifeline support in the Designated Service

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<sup>27</sup> *Lifeline Reform Order* ¶ 388.

<sup>28</sup> The Company's financial reporting is consolidated with its parent Cable One. Financial information concerning Cable One can be found at: <https://ir.cableone.net/corporate-profile/default.aspx>.

<sup>29</sup> *Lifeline Reform Order* ¶ 386.

<sup>30</sup> *Public Notice* at n.71 (applying the same waivers previously applied to ETC designations for the CAF-II auction to ETC designations for Auction 904).

Area. The Company notes it also must meet certain service milestones and buildout requirements in the Designated Service Area as a condition of receiving RDOF support.<sup>31</sup>

31. FCC Rule 54.202(a)(2). An ETC applicant must demonstrate that it can remain functional in emergency situations. The Company certifies it will have the ability to remain functional in emergency situations in the Designated Service Area. The Company has a reasonable amount of back-up power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. Separate FCC rules also require the Company to implement certain back-up power requirements.<sup>32</sup> In addition, as a subsidiary of Cable One, the Company will be able to rely on Cable One's disaster recovery contingency plans such as the use of diverse/alternate routing, electronics redundancy, redundant data centers, geographically separated operations, and environmental controls for data and switching centers to remain functional in an emergency situation.

32. FCC Rule 54.202(a)(3). An ETC applicant must certify that it will comply with all applicable service quality standards and consumer protection rules.<sup>33</sup> The Company certifies that it will comply with service quality standards and consumer protection rules applicable to its provision of service in the Designated Service Area.

33. FCC Rule 54.202(a)(5); FCC Rule 54.202(a)(6). FCC rules require Lifeline applicants to provide information describing the terms and conditions of voice telephony service

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<sup>31</sup> RDOF Order ¶ 45. For purposes of meeting the FCC's service milestones, a RDOF recipient will be deemed to be commercially offering voice and/or broadband service to a location if it provides service to the location or could provide service to the location within 10 business days upon request. See *id.* ¶ 54.

<sup>32</sup> 47 C.F.R. § 9.20.

<sup>33</sup> The FCC has waived the requirement for a winning bidder in Auction 904 to demonstrate that it will satisfy consumer protection and service quality standards as part of the ETC designation process. See *Public Notice* at n.71 (applying the same waivers previously applied to ETC designations for the CAF-II auction to ETC designations for Auction 904).

and broadband Internet access service plans to be offered to Lifeline subscribers. For Lifeline services, the FCC has determined that providers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes.<sup>34</sup>

34. At this time, the Company intends to offer service plans that include high-speed Internet access service and unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area. The Company also will offer standalone voice services as required by the FCC.<sup>35</sup> The Company is conducting market research in the Designated Service Area to determine what mix of services potential customers prefer. The Company has not yet determined the specific details of its service offerings and associated rates to be offered in the Designated Service Area. The Company will make services available based on customer demand in each market. Further, the Company's pricing will be reasonably comparable to the price of similar services in urban areas pursuant to FCC requirements.<sup>36</sup> By way of example, the FCC's 2021 urban average monthly rate is \$33.73, and the reasonable comparability benchmark for voice services, two standard deviations above the urban average, is \$54.75.<sup>37</sup> Accordingly, each ETC providing fixed voice service must certify to the FCC in July 2021 that the pricing of its basic residential voice services is no more than \$54.75. The FCC has adopted similar benchmarks for broadband Internet access service, which vary based on the speed and usage allowance.<sup>38</sup>

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<sup>34</sup> *Lifeline Reform Order* ¶ 49.

<sup>35</sup> *RDOF Order* ¶ 42.

<sup>36</sup> *RDOF Order* ¶ 42.

<sup>37</sup> WC Docket No. 10-90, *Wireline Competition Bureau and Office of Economics and Analytics Announce Results of 2021 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowance for Eligible Telecommunications Carriers*, 35 FCC Rcd 13667 (2020) ("Comparability PN").

<sup>38</sup> *Comparability PN* at 3.

35. FCC Rule 54.405(a). An ETC providing Lifeline services must make Lifeline service available to qualifying low-income consumers. The Company certifies that its Lifeline service offering will conform to the definition of “Lifeline” in the FCC’s rules.<sup>39</sup>

36. FCC Rule 54.405(e). An ETC providing Lifeline services must implement certain de-enrollment procedures for Lifeline customers. The Company certifies it will comply with the FCC’s de-enrollment procedures and will have general de-enrollment procedures in place for Lifeline services. In accordance with FCC requirements, the Company will de-enroll Lifeline customers for no longer qualifying for Lifeline service, for duplicative support, for non-usage, for failure to re-certify, and when requested by the Lifeline customer.

37. FCC Rule 54.409; FCC Rule 54.410. The Company certifies that it will verify the eligibility of its Lifeline subscriber base in accordance with FCC rules. The Company also will establish processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping.

**INFORMATION REQUIRED UNDER COMMISSION RULE 31.016**

38. Commission Rule 31.016(2)(B)1. The sole member and 100% owner of the Company is Cable One, a publicly traded Delaware corporation (NYSE: CABO). The following stockholders beneficially own a ten percent (10%) or greater share of Cable One’s outstanding common stock:

(a) as of December 31, 2020, T. Rowe Price Associates, Inc. (“T. Rowe”), a Maryland corporation, beneficially owned 12.5% of Cable One’s outstanding common stock. T. Rowe is a subsidiary of T. Rowe Price Group, Inc., a publicly traded Maryland corporation;

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<sup>39</sup> 47 C.F.R. § 54.401(a).

(b) as of March 30, 2020, Daniel L. Mosley, a U.S. citizen and trustee of various trusts, beneficially owned 10.8% of Cable One's outstanding common stock; and

(c) as of December 31, 2020, BlackRock, Inc. ("BlackRock"), a Delaware corporation, beneficially owned 10.4% of Cable One's outstanding common stock.

39. Commission Rule 31.016(2)(B)2. Attached as **Exhibit 3** is a list of the Company's officers, along with relevant biographical information.

40. Commission Rule 31.016(2)(B)3. The following entities sharing common ownership or management with the Company may have received funds from the federal universal service fund (including Lifeline support, high-cost support, or the schools and libraries or rural health care funds) or any state universal service fund in the past: (1) Cable One, Inc. d/b/a Sparklight; (2) Fidelity Telephone LLC d/b/a Fidelity Communications (f/k/a Fidelity Telephone Company); (3) CoBridge Broadband, LLC d/b/a Fidelity Communications; (3) CoBridge Communications LLC d/b/a Fidelity Communications; (4) Delta Communications, L.L.C. d/b/a Clearwave Communications; and (5) Valu-Net LLC. In addition, the following entities that previously shared common ownership or management with the Company also may have received funds from the federal universal service fund or any state universal service fund in the past (these entities no longer exist as of January 1, 2021): (1) Telecommunications Management, LLC d/b/a NewWave Communications; (2) Ultra Communications Group, LLC d/b/a NewWave Communications; and (3) Avenue Broadband Communications, LLC d/b/a NewWave Communications.

41. Commission Rule 31.016(2)(B)4. To the best of the Company's knowledge, there has been no matter 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, or directors

currently sharing common ownership or management with the Company involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction.

42. Commission Rule 31.016(2)(B)5. See paragraphs 33-34 above. Information concerning the Company's service offerings will be available at [www.sparklight.com](http://www.sparklight.com) or [www.fidelitycommunications.com](http://www.fidelitycommunications.com).

43. Commission Rule 31.016(2)(B)6.A. The Company will comply with the ETC requirements set forth in Commission Rule 31.015.

44. Commission Rule 31.016(2)(B)6.B. The Company seeks support from the Missouri universal service fund for the Designated Service Area.

45. Commission Rule 31.016(2)(B)6.C. The Company commits to notify the Commission of any changes in its contact information, including through the Commission's online EFIS system.

46. Commission Rule 31.016(2)(B)6.D. The Company is in compliance with all reporting and assessment obligations imposed by the Commission.

47. Commission Rule 31.016(2)(B)6.E. The Company is in compliance with its contribution obligations under the federal universal service fund.

48. Commission Rule 31.016(2)(B)7. The Company has not sought or obtained a waiver of any ETC requirement from the FCC.

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

49. 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.

50. 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, which would interfere with the FCC deadlines established for the RDOF auction. 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.

### **CONCLUSION**

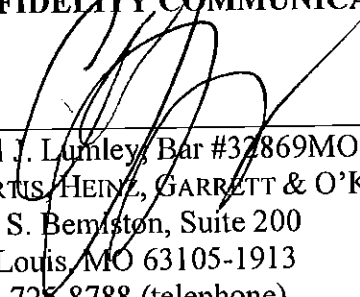
WHEREFORE, for the foregoing reasons, the Company respectfully requests that the Commission: (i) expeditiously approve the expansion of its existing ETC designation to include the provision of voice and broadband services in the Designated Service Area prior to June 7, 2021; (ii) waive 20 CSR 4240-4.017; and (iii) grant such other relief as this Commission deems to be just and equitable.

Dated: March 8, 2021

Respectfully submitted,

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

/s/

  
\_\_\_\_\_  
Carl J. Lumley, Bar #32869MO  
CURTIS, HEINZ, GARRETT & O'KEEFE, P.C.  
130 S. Barnston, Suite 200  
St. Louis, MO 63105-1913  
314-725-8788 (telephone)  
clumley@chgolaw.com

Of Counsel:

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Angela F. Collins  
CAHILL GORDON & REINDEL LLP  
1990 K Street, NW, Suite 950  
Washington, DC 20006  
202-862-8900 (telephone)  
ckiser@cahill.com  
acollins@cahill.com

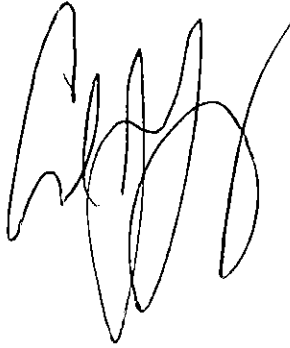
Attorneys for Fidelity Cablevision, LLC  
d/b/a Fidelity Communications

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail, or hand delivery, on this 8th day of March 2021, to the following parties:

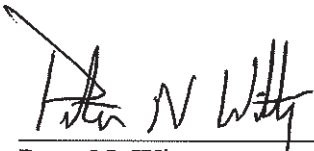
General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

Office of Public Counsel  
PO Box 7800  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

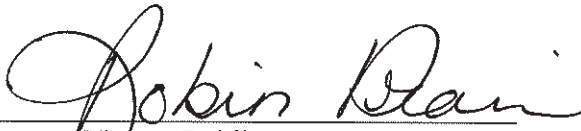
## AFFIDAVIT

I, Peter N. Witty, a natural person, do hereby swear and affirm that I am the Vice President and Secretary for Fidelity Cablevision, LLC d/b/a Fidelity Communications (the "Company"); that I am authorized to make this Affidavit on behalf of the Company; that the foregoing Application was prepared under my direction and supervision; and that the contents of the foregoing Application 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 Application regarding any substantive issue included in this filing.

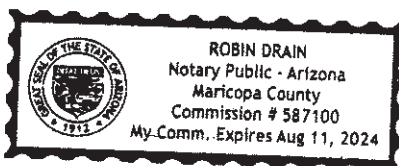
  
\_\_\_\_\_  
Peter N. Witty  
Vice President & Secretary

State of ARIZONA  
County of MARICOPA

Subscribed and sworn before me this 5 day of March 2021.

  
\_\_\_\_\_  
Notary Public

Notary Seal:



## **EXHIBITS**

**Exhibit 1      Designated Service Area**

**Exhibit 2      Missouri Secretary of State Documentation**

**Exhibit 3      Officers**

**EXHIBIT 1**  
**Designated Service Area**

**RDOF Service Areas**

| <b><u>County</u></b> | <b><u>Census Block Group</u></b> |
|----------------------|----------------------------------|
| Barton               | 290119603004                     |
| Boone                | 290190010023                     |
| Boone                | 290190016021                     |
| Butler               | 290239502012                     |
| Butler               | 290239503001                     |
| Butler               | 290239503002                     |
| Butler               | 290239503003                     |
| Butler               | 290239503004                     |
| Butler               | 290239503006                     |
| Butler               | 290239504002                     |
| Butler               | 290239505002                     |
| Butler               | 290239508001                     |
| Camden               | 290299508005                     |
| Cass                 | 290370601001                     |
| Cass                 | 290370603011                     |
| Cass                 | 290370603021                     |
| Cass                 | 290370603022                     |
| Cass                 | 290370604003                     |
| Cass                 | 290370606002                     |
| Cass                 | 290370614001                     |
| Cole                 | 290510104004                     |
| Cole                 | 290510108002                     |
| Cole                 | 290510108003                     |
| Cole                 | 290510202002                     |
| Cole                 | 290510205002                     |
| Crawford             | 290554501011                     |
| Crawford             | 290554501012                     |
| Crawford             | 290554501021                     |
| Crawford             | 290554502004                     |
| Crawford             | 290554503011                     |
| Crawford             | 290554503012                     |
| Crawford             | 290554503021                     |
| Crawford             | 290554504002                     |
| Crawford             | 290554504003                     |
| Dade                 | 290574801002                     |

| <b><u>County</u></b> | <b><u>Census Block Group</u></b> |
|----------------------|----------------------------------|
| Franklin             | 290718010002                     |
| Howell               | 290910905001                     |
| Iron                 | 290939503002                     |
| Johnson              | 291019607003                     |
| Miller               | 291319628002                     |
| Pettis               | 291594804004                     |
| Pettis               | 291594805001                     |
| Phelps               | 291618902002                     |
| Phelps               | 291618902004                     |
| Phelps               | 291618903002                     |
| Phelps               | 291618904001                     |
| Polk                 | 291679604001                     |
| Pulaski              | 291694702862                     |
| Pulaski              | 291694703902                     |
| Pulaski              | 291694703903                     |
| Pulaski              | 291694704005                     |
| Pulaski              | 291694704006                     |
| Pulaski              | 291694705004                     |
| Saline               | 291950908003                     |
| St. Francois         | 291879504001                     |
| St. Louis            | 291892181031                     |
| St. Louis            | 291892211001                     |
| Taney                | 292134804013                     |
| Taney                | 292134804022                     |
| Washington           | 292214603002                     |

#### **Additional Lifeline-Only Service Areas**

(the following franchise areas may include the census block groups covered by the RDOF service area listed above, but Lifeline-only service will be offered only in those areas not covered by the RDOF service area)

| <b><u>Franchise Area</u></b> | <b><u>County</u></b> |
|------------------------------|----------------------|
| Bernie                       | Stoddard             |
| Bloomfield                   | Stoddard             |
| Butler                       | Butler               |
| Campbell                     | Dunklin              |
| Cartersville                 | Pemiscot             |
| Clarkton                     | Dunklin              |
| Denis Acres                  | Newton               |
| Dexter                       | Dunklin              |

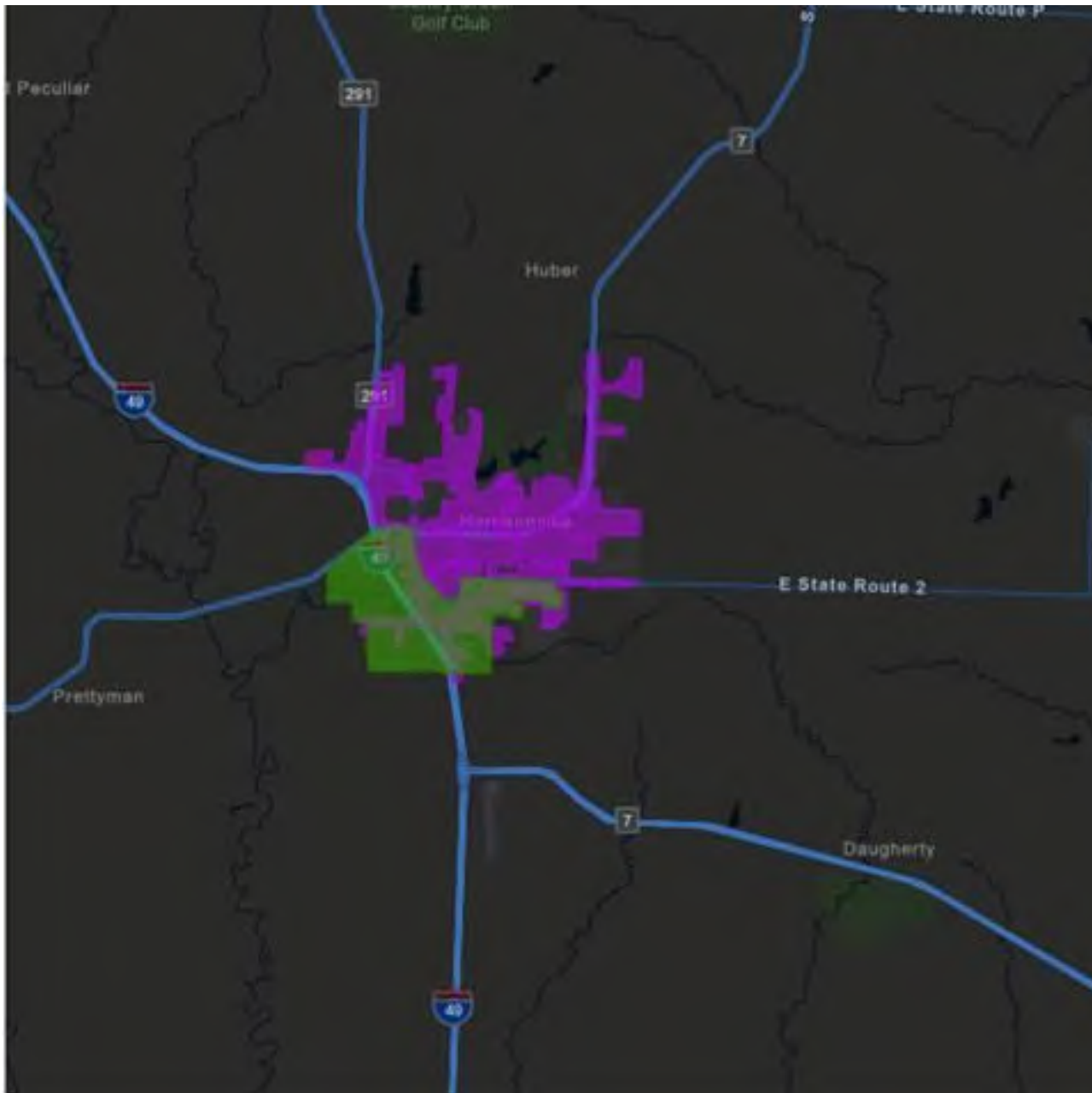
| <b><u>Franchise Area</u></b> | <b><u>County</u></b> |
|------------------------------|----------------------|
| Duquesne                     | Jasper               |
| Essex                        | Stoddard             |
| Frisbee                      | Stoddard             |
| Gibson                       | Dunklin              |
| Gideon                       | Dunklin              |
| Holcomb                      | New Madrid           |
| Homestown                    | Dunklin              |
| Jasper                       | Newton               |
| Joplin                       | Jasper               |
| Kennett                      | Pemiscot             |
| Kirksville                   | Adair                |
| La Plata                     | Adair                |
| Leawood                      | Jasper               |
| Malden                       | Dunklin              |
| Newton                       | Newton               |
| North Wardell                | Pemiscot             |
| Parma                        | Dunklin              |
| Poplar Bluff                 | New Madrid           |
| Portageville                 | Butler               |
| Risco                        | New Madrid           |
| Saginaw                      | Newton               |
| Senath                       | New Madrid           |
| Shoal Creek Drive            | Newton               |
| Steele                       | Dunklin              |
| Wardell                      | Pemiscot             |
| Webb City                    | Newton               |

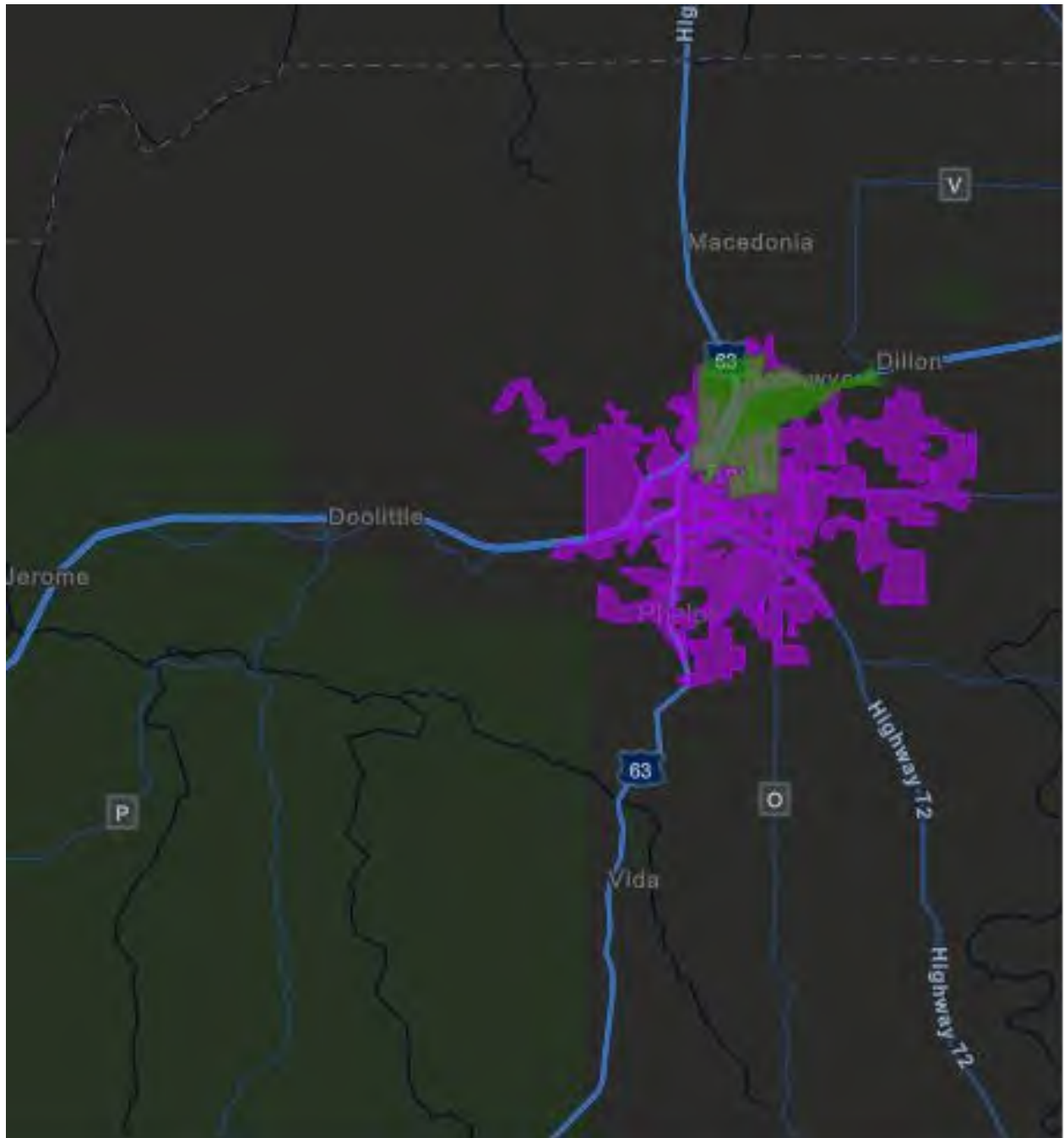
### **Maps of Designated Service Area**

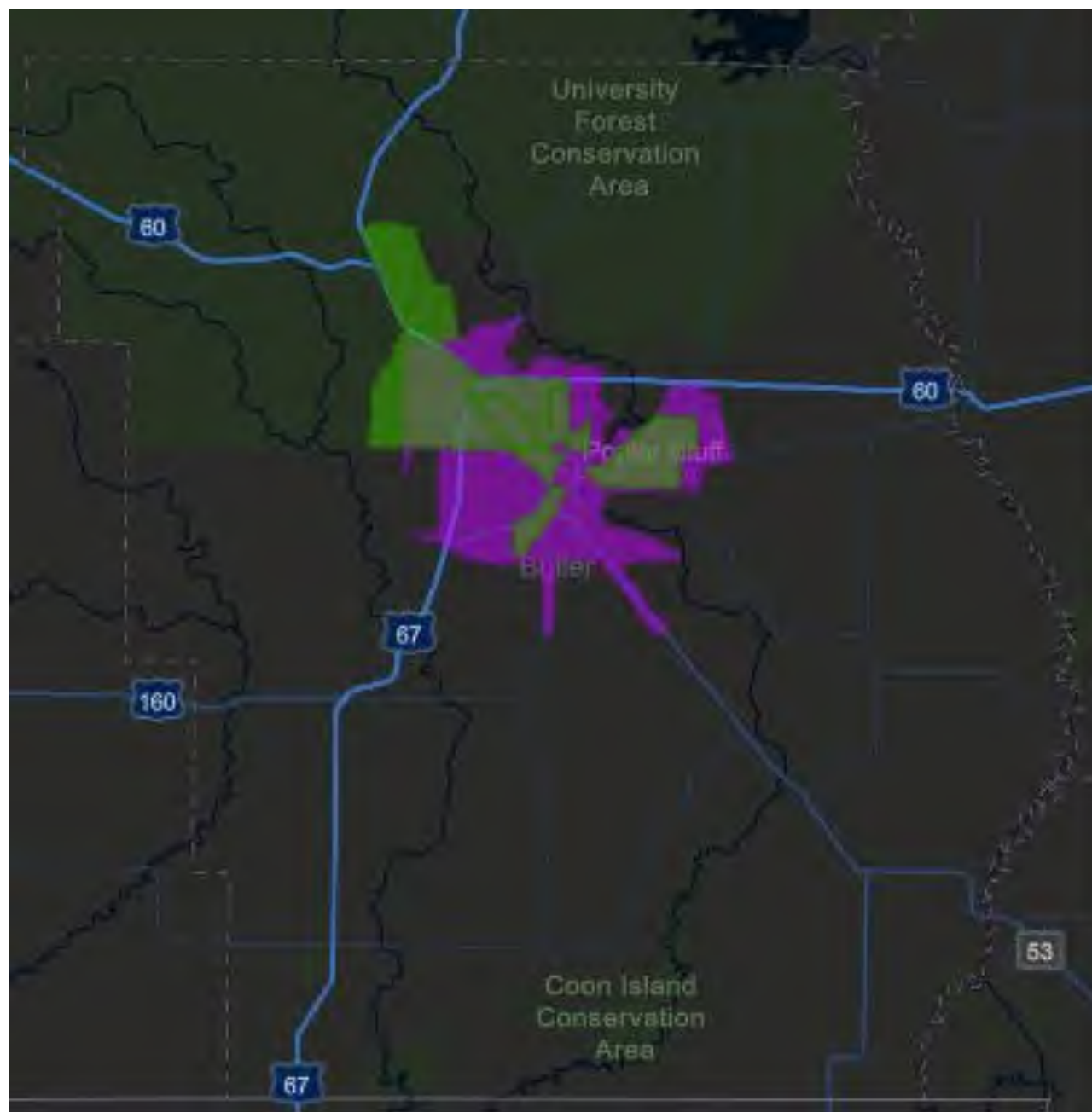
(includes both RDOF census block groups and Lifeline-only areas)

Purple shows the current franchise areas served by Cable One, Inc. in Missouri, which will be the geographic areas in which the Company will offer Lifeline-only service.

Green shows the boundaries of the census block groups awarded in the RDOF auction (Auction 904).







**EXHIBIT 2**

**Missouri Secretary of State Documentation**



State of Missouri

John R. Ashcroft Secretary of State

Corporations Division  
PO Box 778 / 600 W.Main St., Rm. 322  
Jefferson City, MO 65102

X01431649  
Date Filed: 01/20/2021  
Expire Date: 01/20/2026  
John R. Ashcroft  
Missouri Secretary of State

## Registration of Fictitious Name

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. The fictitious name registration expires 5 years from the filing date. (Chapter 417,RSMo)

Reference Number SR214440

Receipt Number TR620866

**The undersigned is doing business under the following name and at the following address:**

**Business name to be registered:** Sparklight

**Business Address:** 210 E. Earll Drive

**City, State and Zip Code:** Phoenix, Arizona, 85012

### Owner Information:

If a business entity is an owner, indicate business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not be listed. Please attach a separate page for more than three owners. The parties having an interest in the business, and the percentage they own are:

| Charter #   | Name of Owners,<br>Individual or Business<br>Entity | Address                                                  | If Listed,<br>Percentage of<br>Ownership<br>Must Equal<br>100% |
|-------------|-----------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------|
| LC001669623 | Fidelity Cablevision, LLC                           | 64 North Clark, Sullivan, Missouri, 63080, United States |                                                                |

### In Affirmation thereof, the facts stated above are true and correct:

The undersigned believes the statements presented in this filing are true and correct to the best of their knowledge and belief, they are subject to the penalties provided under section 575.040 RSMo. for making a false declaration under Section 575.060 RSMo

The undersigned agrees and represents that he/she is authorized to execute this document

**Name** Peter N Witty **On Behalf of** Fidelity Cablevision, LLC

**Title** Owner

**Date** 01/20/2021



**EXHIBIT 3**  
**Officers of Fidelity Cablevision, LLC**

As of January 1, 2021, the following are the officers of the Company:

**Julia M. Laulis, President & Chief Executive Officer**

Laulis joined Cable One in 1999 as Director of Marketing-NW Division. In 2001, she was named Vice President of Operations for the SW Division. In 2004, she became responsible for starting Cable One's Phoenix Customer Care Center. Laulis was named Chief Operations Officer in 2008, responsible for the company's three operation divisions and two call centers. In 2012, Laulis was named Chief Operating Officer, adding sales, marketing, and technology to her responsibilities. In 2015, Laulis was promoted to President and Chief Operating Officer of Cable One. In 2017, she was named President and Chief Executive Officer and in 2018 she was named Chair of the Board. Prior to joining Cable One, Laulis was with Jones Communications in the Washington, DC area and Denver, where she served in various marketing management positions. Laulis began her 35-year career in the cable industry with Hauser Communications. Laulis graduated from Indiana University in Bloomington with a bachelor's degree in Telecommunications. She attended the Woman in Cable Television Betsy Magness Leadership Institute in 1998/1999 and graduated from the Program for Management Development at the Harvard Business School in 2002. Cable FAX Magazine has named Laulis one of the Most Powerful Women in Cable for the past 10 years running. Laulis currently serves on the boards of The AES Corporation, CableLabs, The Cable Center, and C-SPAN and is a trustee of the C-SPAN Education Foundation.

**Michael E. Bowker, Vice President**

Mike Bowker is Chief Operating Officer for Cable One. He is responsible for overseeing Cable One's daily operations, technology, and residential and business channels. Bowker joined Cable One in 1999 as Advertising Regional Sales Manager. He is a member of the team that successfully launched the commercial sales division and the residential inbound sales call center. Bowker has been a Vice President of Cable One since 2005. He was named Vice President of Sales in 2012 and was promoted to Senior Vice President, Chief Sales and Marketing Officer in 2014. Prior to joining Cable One, Bowker was with AT&T Media Services and TCI Cable, where he served in various sales management positions. A native of Boise, Idaho, Bowker holds a bachelor's degree in Communication from Boise State University and is a graduate of the Stanford Executive Program at the Graduate School of Business at Stanford University. Bowker currently serves as Vice Chairman of ACA — America's Communications Association.

**Steven S. Cochran, Vice President**

Steven Cochran is Senior Vice President and Chief Financial Officer at Cable One. He is responsible for the areas of accounting, reporting, finance, and investor relations. A veteran of the cable industry, Cochran spent 15 years at Wide Open West (WOW), a Denver-based cable operator. During his tenure at WOW, Cochran held positions of increasing responsibility, including Chief Financial Officer, Chief Operating Officer, and President and Chief Executive Officer. Prior to WOW, Cochran was Senior Vice President and Chief Financial Officer at Millennium Digital Media. Cochran holds a master's degree in accounting science and a bachelor's degree in economics from the University of Illinois—Urbana Champaign

**Jarrold L. Head, Vice President**

Jarrold Head is Vice President of Engineering and Construction for Cable One. He is responsible for outside plant engineering, design and construction. Before joining Cable One, Head served as Vice President of Engineering & Technical Operations for Fidelity Communications and its subsidiaries. Prior to that position, he served as Engineering Director for Fidelity, overseeing Engineering and Network Operation teams to design, implement and support Fidelity's advanced technology services. Head holds a bachelor's degree in Electrical Engineering from Missouri University of Science and Technology.

**Kenneth E. Johnson, Vice President**

Ken Johnson is Senior Vice President of Technology Services at Cable One. He is responsible for the strategic evolution of technology roadmaps related to products, as well as Information Technology, and Network & Engineering. Before joining Cable One, Johnson served as Chief Operating Officer and Chief Technology Officer for NewWave Communications. Prior to NewWave, Johnson was Chief Technology Officer for SureWest Communications and Everest Connections. Originally from Lenexa, Kansas, Johnson holds a bachelor's degree in Computer and Information Sciences from Friends University. Johnson currently serves on the board of the National Cable Television Cooperative.

**Eric M. Lardy, Vice President & Assistant Secretary**

Eric Lardy is Senior Vice President of Operations and Integration for Cable One. He is responsible for overseeing the company's day-to-day operations, acquisition integration and long-term strategic operating plans. A more than 20-year veteran in the cable industry, Lardy joined Cable One as a Pay-Per-View Manager in the Fargo, North Dakota cable system. He was later promoted to Internet Business Manager, launching dial-up and high-speed broadband services. Lardy relocated several times and held a variety of positions in Marketing, Operations, and system General Management before being promoted to Director of New Products and Service Projects in 2012. In 2014, he was named Vice President of Strategy and Finance. In 2017, he was promoted to Senior Vice President, adding oversight of human resources and business intelligence to his responsibilities. Lardy holds bachelor's degrees in Marketing and International Business from Minnesota State University and an MBA from Arizona State University.

**Raymond L. Storck, Jr., Vice President & Treasurer**

Ray Storck is Vice President of Finance and Treasurer for Cable One. He is responsible for all of the company's accounting functions. Before joining Cable One, Storck served as Controller at Kona Grill. Prior to that, Storck was Vice President/Controller and then Chief Financial Officer for MicroAge. Following MicroAge, Storck spent 4 years at PetSmart where he served as Vice President/Controller and then Vice President of Finance and Chief Accounting Officer. A native of Iowa, Storck holds a bachelor's degree in Accounting from the University of Northern Iowa.

**John M. Walburn, Vice President**

John Walburn is Vice President of Cable One's Midwest Division. He is responsible for the overall operations of cable systems in Arkansas, Illinois, Louisiana, Missouri, Oklahoma and Texas. Before joining Cable One, Walburn served as Vice President of Customer Care for Fidelity Communications and its subsidiaries. Prior to that position, he spent 12 years with Consolidated Communications where he acted as Director of Customer Care.

**Peter N. Witty, Vice President & Secretary**

Peter N. Witty is Senior Vice President, General Counsel and Secretary for Cable One. He is responsible for overseeing the company's legal, regulatory and compliance functions. Witty has more than 20 years of legal experience. Before joining Cable One, he served as General Counsel and Secretary for Gas Technology Institute (GTI), a leading energy research, development and training organization. Prior to GTI, Witty spent 10 years with Abbott Laboratories, serving in various positions, including as Senior Counsel and Division Counsel. Witty also previously practiced law as an associate at Latham & Watkins LLP and Ross & Hardies (now McGuireWoods LLP). Witty holds a Juris Doctor from Notre Dame Law School and a bachelor's degree in aerospace engineering from the University of Notre Dame. He is also a graduate of the Stanford Executive Program at the Graduate School of Business at Stanford University. Prior to attending law school, Witty was an officer and helicopter pilot in the 101st Airborne Division (Air Assault), where he served during Operations Desert Shield/Desert Storm.

Additional information on the officers and directors of the Company's parent, Cable One, Inc., can be found at: <https://ir.cableone.net/corporate-information/officers-directors/default.aspx>.

**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 8<sup>th</sup> day of March, 2021.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 8, 2021**

**File/Case No. CA-2021-0282**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
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Jefferson City, MO 65102  
staffcounselservice@psc.mo.gov

**Office of the Public Counsel**

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P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**Fidelity Communications**

Carl J Lumley  
130 S. Bemiston, Ste. 200  
St. Louis, MO 63105  
clumley@chgolaw.com

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

***Sincerely,***

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

**Morris L. Woodruff  
Secretary**

Distributed to all Local Exchange Carriers Certificated to Provide Service in Missouri.

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