

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

In the Matter of Aptitude Internet, LLC)
Application for Designation as an)
Eligible Telecommunications Carrier) Case No. TA-2021-0198
For Purposes of Receiving Federal)
Universal Service Support)

APPLICATION TO INTERVENE

COME NOW BPS Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Craw-Kan Telephone Exchange, Inc., Ellington Telephone Company, Farber Telephone Company, Fidelity Telephone Company, Goodman Telephone Company, Green Hills Telephone Corporation, Granby Telephone Company, Grand River Mutual Telephone Corporation, Holway Telephone Company, IAMO Communications, Inc., KLM Telephone Company, Kingdom Telephone Company, Lathrop Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, McDonald County Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Northeast Missouri Rural Telephone Company, Orchard Farm Telephone Company, Ozark Telephone Company, Peace Valley Telephone Company, Inc., Rock Port Telephone Company, Seneca Telephone Company, Steelville Telephone Company, and Stoutland Telephone Company (hereinafter “the Small Telephone Company Group” or “STCG”), and, pursuant to 20 CSR 4240-2.075, for their Application to Intervene in the above-captioned case, state as follows to the Missouri Public Service Commission (“Commission”):

1. The members of the STCG are “incumbent local telecommunications companies” as defined by Section 386.020(22), RSMo., providing “basic local telecommunications service” as defined by Section 386.020(4), RSMo., to customers located within their certificated areas

pursuant to tariffs that are on file with and approved by the Commission or contained in publicly available websites pursuant to Section 392.461, RSMo.

2. Of significance to this Application, the members of the STCG have all been designated as “Eligible Telecommunications Carriers” (ETCs) pursuant to Section 254 of the Telecommunications Act of 1996 in their respective Missouri-certificated service areas.¹

3. Also of significance to this Application is the fact that the members of the STCG are “rural telephone companies,” as defined in 47 C.F.R. §51.5.

4. Correspondence, communications, orders and decisions in regard to this matter should be directed to the undersigned counsel for the STCG.

5. On January 5, 2021, Aptitude Internet, LLC (“Aptitude”) filed its Application for Designation as an Eligible Telecommunications Carrier to “include the entire state of Missouri.”

6. In support of its request for statewide designation as an ETC, Aptitude states as follows:

“Section 214(e)(2) of the Act states that an ETC shall be designated for a “service area” by the state commission. Aptitude requests statewide authority as an eligible telecommunications carrier.” (Application, p. 10, III. Designated Service Area.)

7. The STCG is opposed to the Application insofar as Aptitude seeks to become an ETC in those areas where the members of the STCG are currently designated as ETCs for the following reasons:

- a. Commission Rule 20 CSR 4240-31.016(2)(B) requires Applicants for ETC designation, among other things, to comply with Federal Communication

¹ See Order Approving Stipulation and Designation of Eligible Telecommunications Carriers, Case No. TO-98-49, issued December 4, 1997.

Commission (FCC) Rule 47 CFR 54.201. 54.201(c) states in relevant part, “Upon request and consistent with the public interest, convenience, and necessity, the state commission may,² in the case of **an area served by a rural telephone company**, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission Before designating an additional eligible telecommunications carrier for **an area served by a rural telephone company**, the State Commission shall find that the designation is in the public interest.”

(Emphasis added.) There is no evidence alleged or asserted in Aptitude’s Application to support a finding that designating it as an additional ETC in the areas served by the STCG will be in the public interest. On the contrary, the rural areas served by the STCG member companies already have high-speed and high-quality services.

- b. Section 54.201(g)(1) also requires a carrier designated as an ETC to demonstrate that it shall, throughout the service area for which the designation is received, “offer the services that are supported by the federal universal service support mechanisms under subpart B of this part and Section 254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier’s services” Again, there is no evidence or assertion in Aptitude’s

² Aptitude’s Application omits the clear language in FCC Rule 47 C.F.R. 54.201 distinguishing the ETC designation in an area served by a rural telephone company (*i.e.* “may” designate only after making required specific findings of public interest as opposed to “shall” in areas not served by rural telephone companies). *See* Aptitude’s Application, p. 16 (inaccurately paraphrasing the rule to suggest that the Commission “shall” designate more than one common carrier as an ETC and omitting the higher standard for areas served by rural telephone companies).

Application that it will offer and advertise the services supported by the Federal USF throughout the entire state of Missouri, which is the area for which it seeks ETC designation. Indeed, it is readily apparent from the Application that Aptitude does not intend to provide federal USF-supported services throughout the entire state, but only for those census block group areas where it has received Rural Digital Opportunity Fund (RDOF) funding.

- c. Many other winners of the RDOF Auction have recently filed requests for ETC status. To date and to the undersigned's knowledge, none of those other applicants have sought authority in areas already served by rural telephone companies or sought statewide ETC status. Rather, all of those other applicants have identified by census block group the specific areas where they seek ETC designation.
- d. If Aptitude's statewide ETC designation is granted, it could jeopardize existing federal USF support to members of the STCG or their ability to receive federal USF support in the future as the FCC has indicated an unwillingness to fund multiple carriers serving the same area.
- e. Finally, as a procedural matter, Aptitude has not cited any of the Missouri Public Service Commission's general rules for applications or specific rules for ETC designation and in many instances has not complied with those rules.

WHEREFORE, for all of the foregoing reasons, the STCG opposes Aptitude's request to be designated as an Eligible Telecommunications Carrier throughout the entire State of Missouri and requests the Commission to issue an Order denying Aptitude's request at least insofar as it seeks ETC designation in the areas served by the members of the STCG.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically and/or via U.S. mail this 21st day of January, 2021, to:

Missouri Public Service Commission
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