

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Mark Twain Communications)
Company for Expansion of its Designation)
As an Eligible Telecommunications Carrier) Case No. _____
For Purposes of Receiving CAF Phase II Support.)

**APPLICATION OF MARK TWAIN COMMUNICATIONS COMPANY FOR
EXPANSION OF ITS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER FOR PURPOSES OF RECEIVING CONNECT AMERICA FUND PHASE II
SUPPORT AND
MOTION FOR EXPEDITED TREATMENT**

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 54.201, and 4 CSR 240-31.130(1), and for its Application for expansion of its designation as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving Connect America Fund (CAF) Phase II support and motion for expedited treatment, 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 telecommunications service in the State of Missouri.¹ In addition, Mark Twain is authorized to provide interexchange and nonswitched

¹ Order Granting Certificate of Service Authority and Suspending Tariff, issued May 19, 1988, Case No. TA-98-305.

local telecommunications services in Missouri.² Mark Twain has also been designated by the Commission as an Eligible Telecommunications Carrier (“ETC”) for purposes of receiving Federal Universal Service Fund (“USF”) support in the Missouri exchanges of Ewing, LaBelle, and Lewistown.³ As an ETC, Mark Twain provides Lifeline and Disabled service to its existing local exchange customers.

2. By this Application, Mark Twain seeks expansion of its ETC designation in the census block groups for which it has been awarded CAF Phase II support and which are located outside the exchanges of Ewing, LaBelle, and Lewistown, Missouri. A list of census blocks and the Missouri counties in which they are located for which Mark Twain is seeking expansion of its ETC designation is set forth in Exhibit 2 to this Application. On August 28, 2018, the Federal Communications Commission (“FCC”) issued its Public Notice closing the auction and announcing the winning bidders.⁴ As a winning bidder, Mark Twain is obligated to obtain this ETC designation within 180 days of that Public Notice and, therefore, requests expeditious action to comply with this requirement.

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

² Order Approving Interexchange and Nonswitched Local Exchange Certificates of Service Authority and Order Approving Tariff, issued August 14, 2009, Case No. XA-2010-0031.

³ Order Designating Mark Twain Communications Company an Eligible Telecommunications Carrier issued June 15, 2000, Case No. TA-2000-591; Order Correcting an Order entered June 15, 2000, for purposes of designating Mark Twain Communications Company’s service area for Universal Service Support issued January 19, 2006, in Case No. TA-2000-591.

⁴ *Connect America Fund Phase II Auction (Auction 903) Closes, Winning Bidders Announced, FCC Form 683 Due October 15, 2018*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, DA 18-887, August 28, 2018 (*Auction Closing Public Notice*)

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4. As an existing CLEC, Mark Twain provides voice and broadband 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, Knox, Clark, Adair, Lewis, Macon, Shelby, Ralls, Monroe, and Marion counties. As a CAF II Auction winning bidder, Mark Twain will receive \$3,053,366.20 of CAF II support over a ten (10) year period which will allow it to expand its fixed wireless network to provide voice and broadband services to approximately 676 customer locations in the census blocks listed in Exhibit 2. As more fully described below, Mark Twain will use its own facilities to provide services in these census blocks.

5. As will also be shown below, Mark Twain meets all statutory and regulatory requirements for expansion of its ETC designation. A grant of Mark Twain's application will advance the public interest by meeting the goals of the FCC's CAF Phase II program to deploy voice and broadband networks in areas where access to broadband at adequate speeds is lacking.

6. 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.

ACCESS TO 911

7. Mark Twain currently provides its voice subscribers with access to 911 and E911 emergency service and will provide such access to new voice customers located in the census blocks listed in Exhibit 2.

8. Mark Twain commits to remit required, collected 911 revenues to local authorities.

FCC COMPLIANCE PLAN AND PLANS FOR PROVIDING SERVICE

9. Mark Twain has been a provider of Fixed Wireless Internet Service since 2003. Mark Twain is currently migrating its network to LTE and LTE-Advanced (“LTE-A”) technologies. By partnering with local schools and using carrier grade solutions, Mark Twain has been able to expand its wireless network into extremely rural areas in Missouri. Currently, Mark Twain is using Licensed Category 12 LTE-A CPE for last mile access. Licensed 10/11GHz microwave or fiber backhaul is used to feed its towers. By having access to 2.5GHz spectrum, Mark Twain can offer higher speeds with LTE Technologies.

10. Mark Twain proposes to utilize licensed fixed LTE for last mile connectivity and licensed point-to-point (“PtP”) microwave or fiber for backhaul to serve customers in the census blocks list in Exhibit 2. Voice services will be provided to customers using Voice Over Internet Protocol (VoIP).⁵ Mark Twain’s Cat 12 CPE includes an 802.11 ac wireless router with an integrated voice gateway. Subscribers can choose to add Mark Twain’s voice service through this gateway. Broadband internet access will be provided via fixed wireless LTE technology. Mark Twain will utilize outdoor mounted Cat 12 LTE-A capable CPE to each customer premise. Mark Twain’s proposed deployment will utilize 4 G LTE/LTE-A.

⁵ VoIP service will be provided by Mark Twain’s affiliate, Mark Twain Long Distance Company.

11. Where Mark Twain currently lacks facilities, it will be installing towers and related equipment to serve those locations in the census blocks listed in Exhibit 2. In areas where Mark Twain has deployed its wireless network, it will provide service to requesting customers within twenty (20) days. In census blocks where Mark Twain currently does not have wireless facilities, it will deploy towers and related equipment within the time frames directed by the FCC as part of the CAF II support and provide service to customers as soon as possible thereafter.

ADVERTISING SERVICES

12. Mark Twain will advertise the availability and prices of its voice and broadband services using media of general distribution. For example, 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 service in a manner reasonably designed to reach those likely to qualify for the service. For example, a Lifeline ad is placed annually in the local newspapers and a flyer (an example of which is attached as Exhibit 3) is sent out to local service agencies and community centers.

COMPLIANCE WITH 47 CFR 54.201

13. Mark Twain certifies that it will comply with the applicable service requirements in FCC Rule 47 CFR 54.201.

ABILITY TO REMAIN FUNCTIONAL IN EMERGENCY SITUATIONS

14. Mark Twain has 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. Mark Twain has the wireless capacity to handle traffic spikes resulting from emergency situations.

CONSUMER PROTECTION AND PRIVACY AND SERVICE QUALITY

15. Mark Twain will satisfy all applicable consumer protection requirements as well as protect consumer privacy. For example, Mark Twain has implemented 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.

LIFELINE AND DISABLED SERVICE

16. Mark Twain currently complies with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E. Mark Twain also complies with all requirements contained in 4 CSR 240 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 are contained in its tariffs on file with the Commission and on its publicly available website: www.marktwain.net.

17. Mark Twain will offer those same Lifeline and Disabled services to new subscribers located in the census blocks listed in Exhibit 2 and will seek support from the Missouri Universal Service Fund for the provision of those services.

18. Mark Twain states that the funding it receives for the provision of Lifeline and Disabled customers does, and will continue to, flow through to the Lifeline or Disabled

subscriber. A redacted copy of a customer's bill is attached as Exhibit 4 which shows that the full federal Lifeline discount is credited to the Lifeline customer's broadband service.

19. Mark Twain commits to solely conduct business using its name as registered with the Commission and the Missouri Secretary of State. If, in the future, Mark Twain decides to do business using a fictitious name it will notify the Commission in accordance with its rules for doing so.

20. A copy of the Lifeline and Disabled Application forms currently used by Mark Twain are attached as Exhibits 5 and 6 respectively.

21. When new customers call Mark Twain inquiring about Lifeline or Disabled service, they are asked questions to help the Customer Service Representatives (CSRs) determine, among other things, if they are eligible for the Lifeline or Disabled Program. If the CSRs believe they could be eligible, customers are sent a Lifeline or Disabled application, along with other applications for service. The customer is required to return the completed application along with the required documentation to determine eligibility. The CSRs then review the application and verify the documentation that was provided to prove eligibility in either program. The customer's information is entered in Mark Twain's billing system and then uploaded into the National Lifeline Accountability Database (NLAD).

22. Mark Twain has contracted with the Universal Service Administrative Company (USAC) to conduct the monthly rolling recertification of Lifeline customers. USAC notifies Mark Twain via e-mail of the Lifeline subscribers it recertified and those that either didn't respond or no longer met eligibility requirements. Those customers that do not respond or are no longer eligible are immediately de-enrolled in Lifeline. Mark Twain annually recertifies

Disabled customers. Disability customers that either didn't respond or the individual claiming disability is no longer in the household are immediately de-enrolled.

ACCESS TO DIRECTORY ASSISTANCE AND OPERATOR SERVICES

23. Mark Twain provides its voice customers with access to directory assistance and operator services in accordance with terms, conditions, and rates contained in its tariffs on file with the Commission or on its publicly available website.

OWNERSHIP, AFFILIATES AND MANAGERIAL CONTROL OF MARK TWAIN

24. Mark Twain is a subsidiary of Mark Twain Rural Telephone Company ("MTRTC"), a Missouri corporation in good standing, with its principal place of business located in Hurdland, Missouri. MTRTC is an "Incumbent Local Exchange Carrier" and a "Telephone Cooperative" as those terms are defined by §386.020, RSMo. MTRTC is certificated by the Commission to provide telephone service to the public within its exchange boundary maps as contained in its tariff on file with the Commission.⁶ MTRTC has been designated by the Commission as an ETC in the exchanges where it provides telephone service. As an ETC, MTRTC provides Lifeline and Disabled service to qualifying subscribers and receives support from both the Federal and Missouri Universal Service Funds.

25. 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.⁷

⁶ Order issued September 18, 1987, Case No. TA-88-58.

⁷ Order issued January 14, 1997, Case No. TO-97-247, and Registration issued April 20, 2018, Case No. DA-2018-0283.

26. A list of Mark Twain's managers, officers, directors or any person exerting managerial control over Mark Twain's day-to-day operations policy, service offerings and rates is contained in Exhibit 7.

27. Mark Twain will apply the same terms, conditions and rates applicable to its existing wireless voice and broadband services to new customers in the census blocks listed in Exhibit 2. Mark Twain's terms, conditions and rates of service are publicly available in its tariff on file with the Commission or on its website at: www.marktwain.net.

28. Mark Twain is financially viable and technically capable of providing broadband service in the census blocks listed in Exhibit 2. Mark Twain is an existing and established CLEC providing voice and Internet services since 1998. As an existing ETC, Mark Twain annually files with the Commission and FCC information regarding its provision of service and financial status which further supports its technical and financial ability to provide service in the additional areas represented by the census blocks listed in Exhibit 2.

29. Neither Mark Twain, nor any of its aforementioned affiliates, has had an action brought against it in the last ten (10) years by any state or federal regulatory or law enforcement agency involving any aspect of state or federal Universal Service funds and program, fraud, deceit, perjury, stealing, or omissions of material fact.

30. Upon being granted ETC status, Mark Twain commits to notify the Commission of any changes to its contact information.

EXPANDING MARK TWAIN'S ETC'S DESIGNATION
WILL PROMOTE THE PUBLIC INTEREST

31. As demonstrated above, Mark Twain meets all of the statutory and regulatory requirements for expansion of its designation as an ETC in the State of Missouri. Approval of the instant Application will advance the public's interest by fulfilling the goals of the FCC's

CAF II program of deploying voice and broadband networks in areas where access to broadband at adequate speeds is lacking. The fact that Mark Twain is a successful bidder in the FCC's CAF II Auction supports the fact that Mark Twain is in the best position to achieve the FCC's goals for the designated census block areas in a cost efficient manner using USF funds. These advanced communications services will provide important high speed connectivity to the Internet for citizens of rural Missouri. In addition, expansion of Mark Twain's ETC designation is in the public interest as it will promote increased competitive choice, providing greater access to high speed broadband and voice services and improved service quality for residents of underserved communities in rural Missouri.

MOTION FOR EXPEDITED TREATMENT

32. Mark Twain requests, pursuant to 4 CSR 240-2.080(14), that the Commission expedite its consideration of the instant Application so that it will issue a decision no later than February 1, 2019.

33. The FCC CAF II requirements provide that a winning bidder must certify within 180 days of the release of the FCC's August 28, 2018, Public Notice that it has the appropriate ETC designation. However, the FCC CAF II auction requirements did not require a bidder to be an ETC in order to participate in the auction. Consequently, until Mark Twain was notified that it was a winning bidder, it did not know the census blocks for which it would receive CAF II support and, thus, the geographic area for which to seek ETC designation.

34. Now that the FCC has determined that Mark Twain is a winning bidder for the census blocks listed in Exhibit 2, Mark Twain is filing this Application for expansion of its ETC designation as soon as reasonably possible.

35. If the Commission does not act within the indicated time to grant the instant Application, Mark Twain will likely lose the CAF II support and not be able to provide voice and broadband services to all of the customers located in the census blocks listed in Exhibit 2, thus depriving Missouri rural customers of their ability to receive affordable voice and broadband services.

WHEREFORE, Mark Twain respectfully requests the Commission to issue an Order that: (1) approves expeditiously its Application for expansion as an ETC to receive CAF Phase II support, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ William R. England, III
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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 30th day of October, 2018:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

/s/ William R. England, III

VERIFICATION

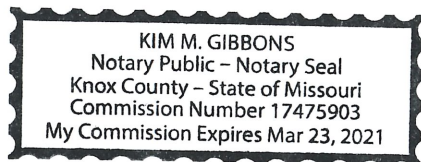
COUNTY OF KNOX)
) ss.
STATE OF MISSOURI)

I, Jim Lyon, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am 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.



Jim Lyon

Sworn and subscribed to before me this 30th day of October, 2018.





Notary Public