

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 17th day of March, 2021.

In the Matter of the Application of Midwest Data)
Center, Inc. for Designation as an Eligible)
Telecommunications Carrier for Purposes of) **File No. TA-2021-0250**
Receiving Rural Digital Opportunity Fund Support)

**ORDER GRANTING DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Issue Date: March 17, 2021

Effective Date: April 16, 2021

On February 4, 2021, Midwest Data Center, Inc. (Midwest Data Center) requested authority to be designated as Eligible Telecommunications Carriers (ETC).¹ Midwest Data Center was recently awarded federal Rural Digital Opportunity Fund (RDOF) support to build broadband facilities in more rural areas. The RDOF funding requires Midwest Data Center to extend broadband service to a designated number of locations in certain census blocks. Midwest Data Center seeks ETC designation to include the census blocks it was awarded. Midwest Data Center included Exhibit 2 with its application, which outlines the specific census blocks for which it requests designation.

The Commission issued notice and set a deadline for intervention. No person or entity sought intervention in this matter, and no party has requested a hearing.

The Staff of the Missouri Public Service Commission (Staff) conducted an investigation and on March 2, 2021, filed its recommendation and memorandum. Staff recommended that the Commission approve Midwest Data Center's request for

¹ Midwest Data Center is presently certificated in Missouri as a competitive local exchange carrier (CLEC).

designation as an eligible telecommunications carriers for the purpose of receiving federal low-income support for census blocks identified in Exhibit 2 of the application. Staff stated Midwest Data Center met the requirements of Commission Rule 20 CSR 4240-31.016 governing eligible telecommunications carriers. Staff notes that Midwest Data Center requests a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017, and recommends that such waiver be granted.

Under federal authority, the application is within the Commission's jurisdiction to decide.² Since no law requires a hearing, this is a non-contested case.³ Non-contested cases do not require formal proceedings or hearings before the Commission, and as such, there is no evidentiary record.⁴ Consequently, the Commission bases its decision on the verified filings.

Based upon its review of the verified application and Staff's recommendation and memorandum, the Commission finds that Midwest Data Center has met the requirements for ETC designation. Further, for good cause shown, Midwest Data Center will be granted a waiver of the 60-day filing requirement of the Commission's rules.

THE COMMISSION ORDERS THAT:

1. Midwest Data Center's application is granted. Midwest Data Center is granted ETC designation for the purpose of receiving federal high-cost and low-income support for the census blocks identified in Exhibit 2 to its' application.

² 47 U.S.C. § 214(e)(2).

³ *In the Matter of Kansas City Power & Light Co.'s Request for Authority to Implement a General Rate Increase for Elec. Serv. v. Pub. Serv. Comm'n*, 509 S.W.3d 757, 783-784 (Mo. App. W.D. 2016).

⁴ *State ex rel. Pub. Counsel v. Pub. Serv. Comm'n*, 210 S.W.3d 344, 353-354 (Mo. App. W.D. 2006).

2. Midwest Data Center is granted a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

3. This order shall become effective on April 16, 2021.

4. This file shall be closed on April 17, 2021.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Pridgin, Regulatory Law Judge