

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

In the Matter of the Application of)
Barry Technology Services, LLC for)
Designation as a Telecommunications)
Carrier Eligible for Federal Universal)
Service Support Pursuant to)
the Telecommunications Act of 1996)

Case No. TA-2019-0114

RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Recommendation* in this matter hereby states:

1. On October 29, 2018, Barry Technology Services, L.L.C., (Company or Barry) filed an *Application Designation as an Eligible Carrier Pursuant to 254 of the Telecommunications Act of 1996* with the Commission requesting that the Commission issue an order designating Barry as a high-cost and low-income eligible telecommunications carrier (ETC). The Company's request, if approved, would permit it to receive federal support pursuant to the Connect America Fund II (CAF II) auction held by the Federal Communications Commission (FCC) and for Lifeline.

2. The CAF II program is part of the FCC's reform and modernization of its universal service fund support programs designed to accelerate the expansion of broadband services to rural areas and any areas which presently lack the infrastructure capable to support at least 10/1 Mbps of fixed broadband services. The FCC held an auction to allocate funds to various companies which could further the goals of the CAF II program. The FCC requires each winning company to obtain ETC designation from its respective public utilities commission prior to receiving the allocated funds. Winners of the auction must certify within 180 days of the release of the Public Notice

from the FCC which closed the CAF II auction that they have obtained ETC designation. Public Notice was issued August 21, 2018, so Barry must certify that it has obtained ETC designation no later than February 25, 2019.

3. The Company is presently certificated in the state of Missouri to provide basic local exchange and interexchange telecommunications services. The Company included an Attachment A with its *Application* which outlines the specific census blocks for which it requests designation as a high-cost and low-income and the counties for which it seeks ETC status as a Lifeline/disabled services only provider.

4. Commission rule 4 CSR 240-31.130 governs the specific eligible telecommunications carrier requirements that each applicant must meet. Applications must also comply with 4 CSR 240-2.060 and shall be verified by oath as to the truthfulness contained in the application by an officer or director of the applicant.

5. Staff conducted an investigation and has provided a memorandum attached to this pleading as Appendix A. Staff's memorandum outlines the reasons why Staff believes Barry has met the requirements of 4 CSR 240-31.130 and should receive ETC designation.

WHEREFORE, Staff recommends that the Commission approve Barry Technology Services, L.L.C.'s, request for designation as an eligible telecommunications carrier for the purpose of receiving federal high-cost and low-income support; the designation be limited to the area identified by census blocks and counties in Barry Technology Services, L.L.C.'s, initial application; and grant such other and further relief as the Commission considers just in the circumstances.

Respectively submitted,

/s/ Whitney Payne

Whitney Payne

Senior Counsel

Missouri Bar No. 64078

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 28th day of November, 2018, to all counsel of record.

/s/ Whitney Payne

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TA-2019-0114

From: Kari Salsman, Utility Policy Analyst I
John VanEschen, Utility Regulatory Manager
Telecommunications Department

Subject: Staff's Recommendation to Approve Barry Technology Services, LLC
Request for Designation as an Eligible Telecommunications Carrier in
Missouri.

Date: November 28, 2018

On October 29th, Barry Technology Services, LLC (Barry) filed an application for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal high cost and low-income support. The company later supplemented its application. Barry is a certificated non-switch local exchange and interexchange telecommunications services provider in Missouri.¹ The company was recently awarded Connect America Fund Phase II support in a reverse auction process.² The funding requires the company to extend broadband service to a designated number of locations in certain census blocks.³ The company needs to obtain ETC status by February 2019 in order to begin receiving this funding. Barry is seeking Missouri USF support for lifeline and disabled purposes.

Federal authority enables state commissions to grant ETC status to a company.⁴ Missouri's ETC application requirements are contained in existing Missouri Commission rule 4 CSR 240-31.130(1). Staff reviewed the company's request for compliance with Missouri's rule as well as federal requirements.⁵ In Staff's opinion the company has adequately met all ETC application requirements. Consequently Staff supports the company's application for ETC status.

¹ Case No. TA-2001-138

² Barry Electric Cooperative, Barry's parent, has been awarded \$610,345 over 10 years to extend broadband service to 2,308 locations and has assigned the bid to Barry, its wholly owned subsidiary. The broadband speed for these locations can vary but will generally be 10/1 Mbps or higher depending on the bid.

³ Census block service areas are listed in Exhibit A of ETC application.

⁴ 47 U.S.C. §214(e)(2) and FCC rule §54.201.

⁵ FCC Public Notice; WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier; WC Docket Nos. 09-197, 10-90; DA 18-714; released July 10, 2018.

Staff recommends the Commission grant ETC status to Barry Technology Services, LLC for the purpose of receiving federal high-cost and low-income support. ETC designation should be for the entire area of Barry, Newton and McDonald counties.⁶

⁶ A state commission must designate the service area for ETC designation per 47 CFR 54.201(b). FCC rules give states some latitude in defining a service area per 47 CFR 54.207.