

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

In the Matter of the Partial Relinquishment)	
of Eligible Telecommunications Carrier)	<u>File No. CD-2025-0185</u>
Designation by Fidelity Cablevision, LLC)	
d/b/a Sparklight)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and submits its Recommendation as follows:

1. On December 13, 2024, Fidelity Cablevision, LLC d/b/a Sparklight (“Sparklight” or “Company”)¹ filed a request seeking relinquishment of its Eligible Telecommunications Carrier (ETC) designation related to the Rural Digital Opportunity Fund (“RDOF”). The Company also requested a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017.

2. The Commission granted the Company ETC status in Case Nos. TA-2002-122 and CO-2012-0282 on November 6, 2001 and March 18, 2012, respectively, in order to receive federal and state Lifeline support in the Rolla, Salem, and Lebanon exchanges in Missouri. In Case No. CA-2021-0282, the Commission expanded the Company’s ETC service area in order to receive RDOF funding on April 28, 2021. In order to receive federal Lifeline services, on July 22, 2021, the Commission expanded the Company’s ETC designation to include additional geographic areas in Case No. CA-2021-0415. The Commission partially relinquished

¹ In the pleading making the request to relinquish a portion of its ETC designation, the Company refers to itself as “Fidelity Cablevision, LLC d/b/a Fidelity Communications.” However, in Case No. CN-2025-0096, the Company requested that the Commission recognize that it had changed its fictitious name to “Sparklight.” The Commission issued an order effective on October 1, 2024. Therefore, Staff will refer to the Company’s current fictitious name of “Sparklight.”

the Company's ETC designation for a portion of the RDOF area and additional areas in Case No. TO-2023-0074 on September 28, 2022.

3. Sparklight filed a letter with the Commission on December 13, 2024, seeking relinquishment of its designation as an ETC for its remaining RDOF area as set forth in Exhibit 1 of the letter.

4. Pursuant to Commission Rule 20 CSR 4240-31.015(4) relinquishment of ETC status is accomplished by providing a letter signed by an authorized company official or representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. § 214(e)(4). As explained in Staff's Memorandum, attached hereto as Appendix A, Staff has reviewed Sparklight's filing and states that Sparklight has met the requirements of 20 CSR 240-31.015(4) and is in compliance with 47 U.S.C. § 214(e)(4), and thus, recommends the Commission approve the partial relinquishment of Sparklight's ETC designation in Missouri.

5. Sparklight sought waiver of the 60-day notice requirement pursuant to the Commission's Rule 20 CSR 4240-4.017. Staff recommends that the waiver be granted.

6. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

WHEREFORE, Staff respectfully recommends the Commission cancel Fidelity Cablevision, LLC d/b/a Sparklight designation as an eligible telecommunications carrier for the areas identified by census blocks in Exhibit 1 of the Company's letter

dated December 13, 2024; that it grant a waiver of the 60-day notice requirement; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Ron Irving

Ron Irving

Senior Counsel

Missouri Bar No. 56147

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8702 (Telephone)

(573) 751-9285 (Fax)

ron.irving@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 13th day of January, 2025, to all counsel of record.

/s/ Ron Irving

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. CD-2025-0185

From: Kari Salsman, Senior Research/Data Analyst
John VanEschen, Regulatory Compliance Manager
Telecommunications Department

Subject: Staff's Recommendation for Fidelity Cablevision, LLC d/a/a Sparklight's
Notice of Partial Relinquishment of Its Eligible Telecommunication
Carrier Designation.

Date: January 13, 2025

On December 13th, Fidelity Cablevision, LLC d/b/a Sparklight (Sparklight)¹ filed a request for the Missouri Public Service Commission (Commission) to relinquish a portion of its Eligible Telecommunications Carrier (ETC) designation in the State of Missouri which was previously granted in an expansion request approved by the Commission.² The areas the company is requesting to relinquish ETC designation is in Exhibit 1 of the application. The company is relinquishing a portion of its ETC designation due its withdrawal from the Rural Digital Opportunity Fund (RDOF) program in Missouri.

The requirements for relinquishment of ETC status are contained in Commission Rule 20 CSR-4240-31.015. This rule indicates a company can relinquish its ETC designation by providing a letter signed by an authorized company official or representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. § 214(e)(4). These federal requirements are codified in FCC rule 47 CFR 54.205 and essentially are intended to ensure the affected area will continue to be served by at least one ETC.

On October 17, 2024, Sparklight notified the FCC that it was withdrawing from the RDOF program for the state of Missouri. The Federal Communications Commission recently issued a Public Notice announcing Sparklight's area in Missouri receiving Rural Digital Opportunity Funding is now eligible for other funding programs.³

¹ In the pleading making the request to relinquish a portion of its ETC designation, the Company refers to itself as "Fidelity Cablevision, LLC d/b/a Fidelity Communications." However, in Case No. CN-2025-0096, the Company requested that the Commission recognize that it had changed its fictitious name to "Sparklight." The Commission issued an order effective on October 1, 2024. Therefore, Staff will refer to the Company's current fictitious name of "Sparklight."

² On April 28, 2021 Case No. CA-2021-0282 expanded the Company's existing ETC designation to include certain RDOF areas. On September 28, 2022 Case No. TO-2023-0074 partially relinquished its ETC designation for a portion of this RDOF area.

³ Public Notice; Wireline Competition Bureau Announces Mercury Wireless Indiana, LLC; Mercury Wireless Kansas, LLC; PVT Networks, Inc.; Cable One, VoIP LLC d/b/a Sparklight; and Fidelity

Sparklight notified the FCC of its desire to not fulfill its commitment to offer voice and broadband service in Missouri and several other states.⁴ According to the Public Notice, Sparklight will be subject to penalties for defaulting on its funding obligation. The company has no lifeline subscribers in the area it is relinquishing, therefore, no consumers would be affected. In Staff's opinion Sparklight has satisfied federal requirements.

Staff recommends the Commission approve the partial relinquishment of Fidelity Cablevision, LLC d/b/a Sparklight's ETC designation according to Exhibit 1 of its application.

Cablevision, LLC defaults on Certain RDOF Census Block Groups in Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, and New Mexico; DA 24-1199; released November 27, 2024.

⁴ The Company was awarded \$37,979 in RDOF support over 10 years to serve 39 locations in Missouri.