

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Petition of PD Fiber,)
LLC for Designation as an Eligible)
Telecommunications Carrier Pursuant to) **File No. DA-2021-0190**
Section 214(e)(2) of the Communications)
Act of 1934, as Amended)

ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE, AND DIRECTING STAFF TO FILE A RECOMMENDATION

Issue Date: January 5, 2021

Effective Date: January 5, 2021

On January 4, 2021, PD Fiber, LLC filed its application for designation as a wireless Eligible Telecommunications Carrier. The Commission will direct its Data Center to issue notice of the application, set a deadline for requests to intervene, and direct the Staff of the Commission to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall send notice of this application to all local exchange carriers certificated to provide service in Missouri.
2. Requests to intervene shall be filed with the Commission no later than January 20, 2021.
3. The Staff of the Commission shall file a recommendation no later than February 4, 2021.
4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 5th day of January, 2021.

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

Petition of PD Fiber, LLC)	Case No. []
For Designation as An Eligible)	
Telecommunications Carrier Pursuant to)	
Section 214(e)(2) of the Communications)	
Act of 1934, as Amended)	

**PETITION OF PD FIBER, LLC
FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW PD Fiber, LLC ("Petitioner"), pursuant to § 214(e)(2) of the Communications Act of 1934 ("Act"), as amended, and the rules and regulations of the Missouri Public Service Commission ("Commission"), including 4 CSR § 240-2.060 and 4 CSR §§ 240-31.015-0.16 to respectfully request designation as both a High-Cost and Low-Income Eligible Telecommunications Carrier ("ETC") in the State of Missouri in all areas where Petitioner, through its participation in the Rural Electric Cooperative Consortium, has been allocated Rural Digital Opportunity ("RDOF") Phase I support as a winner in the Federal Communications Commission's ("FCC") RDOF Phase I auction ("Auction 904"), as well as Lifeline-only ETC designation in additional areas of Missouri.

Petitioner is obligated to obtain ETC designation status within 180 days of the announcement by the FCC that Petitioner was a winning bidder in the RDOF Phase I auction in the census blocks in which Petitioner was awarded RDOF Phase I support¹ and requests expeditious action by the Commission so that it may meet this requirement.

¹ 47 C.F.R. § 54.804(b)(5).

I. INTRODUCTION AND SUMMARY

Petitioner is a wholly-owned subsidiary of Pemiscot-Dunklin Electric Cooperative, Inc. ("Pemiscot-Dunklin Electric Cooperative"), a non-profit, rural electric cooperative organized and existing under the laws of the State of Missouri engaged in the distribution of electric energy and service to its members within the Missouri counties of Pemiscot, Dunklin, and New Madrid.

Petitioner, a Missouri Limited Liability Company, was formed to assist with the deployment and operation of a new state-of-the-art, low-latency, fiber-to-the-home ("FTTH") network and to provide high-speed broadband Internet access and Voice over Internet Protocol ("VoIP") services to its service area which largely lacks access to such services.

Petitioner will offer low-latency broadband service at actual speeds of at least 1 Gigabit per second downstream and 500 Mbps upstream and offer at least 2 terabytes of monthly usage and will provide its customers with voice grade access to the Public Switched Telephone Network ("PSTN") through its provision of interconnected VoIP service.

The street and mailing address of Petitioner's principal office is: 2801 W. State Highway 84; Bragg City, Missouri 63827. Petitioner's electronic mail address is: jack@pemdunk.com. Petitioner's telephone number is (573) 757-6641 and its fax number is (573) 757-6656.

Correspondence, communications, orders and decisions in regard to this Application should be directed to:

Jack L. Davis
Interim General Manager
PD Fiber, LLC
2801 W. State Highway 84
Bragg City, Missouri 63827
Phone: (573) 757-6641
Fax: (573) 757-6656
E-mail: jack@pemdunk.com

With a copy to:

John Hall Dalton, Jr.
Dalton, Mowrer, and Chidister, LLP
203 College Avenue, P.O. Box 529
Kennett, MO 63857
Phone: (573) 888-4631
Fax: (573) 888-2127
E-mail: johnny@dmclawfirm.com

And

Todd B. Lantor
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102
Phone: (703) 584-8671
Fax: (703) 584-8696
E-mail: tlantor@fcclaw.com

Petitioner will deploy broadband and interconnected VoIP services throughout the RDOF Phase I-eligible census blocks identified in **Exhibit A1** hereto and seeks ETC designation from the Commission to serve these census blocks. In addition, Petitioner seeks Lifeline-only ETC designation status in the additional service areas identified in **Exhibit A2**. Petitioner meets all of the requirements for ETC designation.

Designating Petitioner as an ETC to receive RDOF Phase I support, as well as federal Lifeline support, in the census blocks identified in Exhibits A1 and A2 will serve the public interest by enabling Petitioner to provide subsidized broadband and voice services to consumers and businesses in the Petitioner's proposed ETC designation area.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATION REQUESTED BY PETITIONER

Section 214(e)(2) of the Act gives authority to State commissions to designate a common carrier as an ETC. Under Missouri regulations, “[a]ny company seeking [ETC] status for the purpose of participating in the federal Universal Service Fund (USF) high cost programs ... shall apply for ETC designation with the Commission.”² An ETC is defined as “a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C.”³

III. PETITIONER MEETS THE FEDERAL STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS AN ETC

As demonstrated herein, Petitioner satisfies each of the state and federal statutory and regulatory requirements to be an ETC.

A. Petitioner Will Provide Service as a Common Carrier

Petitioner will provide its services on a common carrier basis. As such, Petitioner certifies that it is a common carrier under §§ 214(e)(1)-(2) of the Act.⁴

² 4 CSR § 240-31.016.

³ 4 CSR § 240-31.010(5).

⁴ See Exhibit B (Affidavit of Jack L. Davis)

B. Petitioner Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

As described below, Petitioner certifies that it will provide the following services that are supported by federal universal service support mechanisms:⁵

1. **Voice Grade Access to the PSTN** – Petitioner will meet this requirement through the provision of IP-based voice communications service that is interconnected to the PSTN. Petitioner will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service-related requirements. Petitioner will offer stand-alone voice telephony service throughout its proposed ETC designation area and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency service via E-911, wherever available from local government or public safety organizations.⁶ Petitioner also commits to provide toll limitation services to qualifying low-income consumers as provided in §§ 54.400-54.423 of the Rules.⁷
2. **Broadband Internet Access Services** – Petitioner's broadband Internet offering will provide the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service. Petitioner will offer low-latency Internet service at actual speeds of at least 1 Gbps downstream and 500 Mbps upstream and offer at least 2 terabytes of monthly usage throughout its proposed ETC designation area, and will offer such service at rates that are reasonably comparable to urban rates.⁸
3. **Lifeline Service** – Petitioner will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering, to qualifying low-income consumers in accordance with the FCC's rules within its proposed ETC designation area.⁹

⁵ *See id.*

⁶ 47 C.F.R. § 54.101(a)(1) and (b).

⁷ 47 C.F.R. § 54.101(a)(1).

⁸ 47 C.F.R. § 54.101(a)(2).

⁹ 47 C.F.R. § 54.405(a), 54.400 *et. seq.*

Petitioner further commits to provide these services consistent with the applicable FCC high-cost universal service support rules.¹⁰

C. Petitioner Will Provide Service Using Its Own Facilities

Petitioner will deploy and operate a state-of-the-art, low-latency, FTTH facilities-based network to provide high-speed broadband Internet access and interconnected VoIP services to those within its proposed ETC designation area who lack access to such services.¹¹

D. Petitioner Will Provide the Requisite RDOF Phase I Supported Services Throughout the Proposed ETC Designation Area

Petitioner commits to providing the supported services throughout its proposed ETC designation area, consistent with all applicable requirements.¹²

E. Petitioner Will Advertise the Availability of Its Services and Charges Using Media of General Distribution

Petitioner will advertise the availability of and charges for its supported service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements.¹³ Petitioner will offer and advertise its broadband and interconnected VoIP services through a combination of media channels, such as newspaper, magazines, and other print advertisements, outdoor advertising, direct marketing, and/or the Internet. Petitioner will advertise its universal service offerings in a manner consistent with applicable requirements.

¹⁰ See 47 C.F.R. §§ 54.101 and 54.201.

¹¹ 47 C.F.R. § 54.201(d)(1).

¹² See 47 C.F.R. §§ 54.101 and 54.201.

¹³ 47 C.F.R. § 54.201(d)(2).

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 5th day of January, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 5, 2021

File/Case No. DA-2021-0190

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

**Missouri Public Service
Commission**

Whitney Payne
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
whitney.payne@psc.mo.gov

PD Fiber, LLC

John H Dalton Jr
203 College Street
P.O. Box 529
Kennett, MO 63857
johnny@dmclawfirm.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Distributed to all Local Exchange Carriers Certified to Provide Service in Missouri.

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.