**DA 21-279**

**Released: March 8, 2021**

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON RURAL DIGITAL OPPORTUNITY FUND PETITIONS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

**WC Docket No. 09-197**

**Comment Date: April 7, 2021**

**Reply Comment Date: April 22, 2021**

The Wireline Competition Bureau seeks comment on multiple petitions for designation as an Eligible Telecommunications Carrier (ETC), as described in the Attachment to this Public Notice, for the purpose of becoming eligible to receive universal service support. The petitioners are winning bidders, or those assigned support through the division of winning bids, in the Rural Digital Opportunity Fund (RDOF) auction (Auction 904).[[1]](#footnote-3) ETC designation is a prerequisite to receiving universal service support available through the high-cost and Lifeline programs. Recipients of high-cost support, including recipients of RDOF support awarded pursuant to Auction 904, must offer the Lifeline discount on all qualifying services in areas where an ETC receives high-cost support, deploy a network capable of delivering service that meets the Lifeline program’s minimum service standards, and commercially offer such service pursuant to their high-cost obligations.[[2]](#footnote-4) To the extent that a petition specifically includes areas outside of RDOF-eligible census blocks, the Bureau will treat the petition as a request for Lifeline-only designation in those areas (although the petitioner will be obligated to provide Lifeline services throughout its entire designation area).[[3]](#footnote-5)

All Commission ETC designations of RDOF support recipients will be conditioned upon successful completion of the RDOF long-form application (FCC Form 683). By June 7, 2021, all long-form applicants must upload documentation of ETC designation(s) and a certification letter to their FCC Form 683.[[4]](#footnote-6)

**Requirements for FCC ETC Designation**

Section 254(e) of the Communications Act of 1934, as amended (the Act), provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.”[[5]](#footnote-7) Congress gives primary authority for ETC designations to state commissions.[[6]](#footnote-8) The FCC has authority only when “a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”[[7]](#footnote-9) The petitioning carrier must demonstrate that the FCC has jurisdiction and may do so by submitting an “affirmative statement from the state commission or a court of competent jurisdiction that the carrier is not subject to the state commission’s jurisdiction.”[[8]](#footnote-10) The Commission has delegated authority to the Bureau to consider appropriate ETC designation requests.[[9]](#footnote-11)

A petition for ETC designation by the FCC must include: (1) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to section 254(c) of the Act; (2) a certification that the petitioner offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier’s services;[[10]](#footnote-12) (3) a description of how the petitioner advertises the availability of the supported services and the charges therefor using media of general distribution;[[11]](#footnote-13) (4) a detailed description of the geographic service area for which the petitioner requests to be designated as an ETC;[[12]](#footnote-14) and (5) a certification that neither the petitioner, nor any party to the application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.[[13]](#footnote-15)

In addition, petitioners must demonstrate their ability to meet certain service standards. A petitioner seeking an ETC designation for purposes of becoming eligible to receive RDOF support must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; and (3) demonstrate its ability to satisfy applicable consumer protection and service quality standards.[[14]](#footnote-16) In addition, prior to designating a carrier as an ETC pursuant to section 214(e)(6) of the Act, the Commission must determine whether such designation is in the public interest.[[15]](#footnote-17)

**Comment** **Filing Requirements**

Interested parties may file **comments on or before April 7, 2021** and **replies on or before April 22, 2021**. All pleadings must reference **WC Docket No. 09-197**.Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.[[16]](#footnote-18)

* *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs.
* *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.
* Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
* Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE Washington, DC 20554.
* Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.[[17]](#footnote-19)

*Additional Copies*. Parties should send a copy of their filings to Nissa Laughner, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B444, Washington D.C. 20554, or by e-mail to Nissa.Laughner@fcc.gov.

*People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

*Permit but Disclose Ex Parte Communications.* For the purposes of the Commission’s *ex parte* rules, each petition submitted pursuant to section 214(e)(6) will be treated as initiating a permit-but-disclose proceeding under the Commission’s rules.[[18]](#footnote-20) Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).[[19]](#footnote-21) Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation.[[20]](#footnote-22) If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum.[[21]](#footnote-23) Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).[[22]](#footnote-24) In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g.,.doc,.xml,.ppt, searchable.pdf).[[23]](#footnote-25) Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For additional information on this proceeding, please contact Nissa Laughner (Nissa.Laughner@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

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**ATTACHMENT**

**ETC Petitions Covering RDOF-Eligible Areas Only**

| **Bidder Name** | **Petitioner Name(s)** | **Date Filed** | **State** |
| --- | --- | --- | --- |
| CCO Holdings, LLC | Bright House Networks Information Services (Alabama), LLC; Charter Fiberlink – Alabama, LLC; Time Warner Cable Information Services (Alabama) | 01/06/2021 | AL |
| RDOF USA Consortium | Broadlife Communications, LLC | 01/21/2021 | AL |
| RDOF USA Consortium | Central Alabama Electric Cooperative | 02/04/2021 | AL |
| Connect Everyone, LLC | Connect Everyone, LLC | 01/06/2021 | AL |
| RDOF USA Consortium | Coosa Valley Technologies, Inc. | 02/04/2021 | AL |
| RDOF USA Consortium | Covington Electric Cooperative, Inc. | 02/04/2021 | AL |
| Mediacom Communications Corporation | Mediacom Wireless of Alabama LLC | 01/06/2021 | AL |
| RDOF USA Consortium | North Alabama Electric Cooperative | 02/04/2021 | AL |
| Pine Belt Communications, Inc. | Pine Belt RDOF Holdings, L.L.C. | 02/10/2021 | AL |
| Point Broadband Fiber Holding, LLC | Point Broadband Fiber Holding, LLC | 01/06/2021, as supplemented, 01/25/2021 | AL |
| Bay Springs Telephone Company, Inc. | Roanoke Telephone Company, Inc. | 01/19/2021 | AL |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | AL |
| Consortium 2020 | Wavelength LLC | 01/07/2021, as amended, 01/08/2021, 01/26/2021 | AZ |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | CT |
| Talkie Communications, Inc. | Talkie Communications, Inc. | 01/06/2021 | DE |
| Rural Electric Cooperative Consortium | Conexon Connect, LLC | 01/04/2021 | FL |
| Hotwire Communications, Ltd. | Hotwire Communications, Ltd. | 01/05/2021 | FL |
| Mediacom Communications Corporation | Mediacom Wireless of Florida, LLC | 01/06/2021 | FL |
| Talkie Communications, Inc. | Talkie Communications, Inc. | 01/06/2021 | MD |
| Consolidated Communications, Inc. | Consolidated Communications of Northern New England Company, LLC | 01/05/2021, as amended, 01/12/2021 | NH |
| NRTC Phase I RDOF Consortium | East Central Vermont Telecommunications District dba EC Fiber | 01/06/2021 | NH |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | NH |
| CCO Holdings, LLC | Time Warner Cable Information Services (New Hampshire), LLC | 01/06/2021 | NH |
| DTC Cable, Inc. | DTC Cable, Inc. | 01/06/2021 | NY |
| Heart of the Catskills Comm. Inc., dba MTC Cable | Heart of the Catskills Communication Inc., dba MTC Cable | 01/06/2021 | NY |
| Point Broadband Fiber Holding, LLC | Point Broadband Fiber Holding, LLC | 01/06/2021, as supplemented, 01/25/2021 | NY |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | NY |
| Snake River Solutions, LLC | Snake River Solutions, LLC | 01/06/2021 | OR |
| Tennessee Cooperative Group Consortium | Advantage Cellular Systems, Inc. | 01/29/2021 | TN |
| CCO Holdings, LLC | Charter Fiberlink – Tennessee, LLC, Time Warner Cable Information Services (Tennessee) | 01/06/2021 | TN |
| Rural Electric Cooperative Consortium | Conexion Connect, LLC | 01/04/2021 | TN |
| Rural Electric Cooperative Consortium | HolstonConnect, LLC | 12/31/2020 | TN |
| Next Tier Consortium | MegaWatt Communications, LLC | 01/04/2021 | TN |
| RDOF USA Consortium | Meriwether Lewis Connect, LLC | 02/04/2021 | TN |
| Newport Utilities | Newport Utilities dba NU Connect | 02/11/2021 | TN |
| Bay Springs Telephone Company, Inc. | Peoples Telephone Company | 01/19/2021 | TN |
| Scott County Telephone Cooperative, Inc. | Scott County Telephone Cooperative, Inc. | 01/29/2021 | TN |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | TN |
| RDOF USA Consortium | SVE Connect, LLC | 02/04/2021 | TN |
| Rural Electric Cooperative Consortium | United Communications, Inc. | 01/06/2021, as amended, 01/12/2021 | TN |
| Bay Springs Telephone Company, Inc. | West Tennessee Telephone Company, Inc. | 01/19/2021 | TN |
| NRTC Phase I RDOF Consortium | All Points Northern Neck, LLC | 12/23/2020, as supplemented, 01/25/2021 | VA |
| Atlantic Broadband Finance, LLC | Atlantic Broadband (Delmar), LLC | 01/07/2021 | VA |
| BARConnects, LLC | BARConnects, LLC | 02/25/2021 | VA |
| Connect Everyone, LLC | Connect Everyone, LLC | 01/06/2021 | VA |
| Rural Electric Cooperative Consortium | Empower Broadband Inc. | 01/08/2021, as supplemented, 02/09/2021 | VA |
| Fiberlight LLC | Fiberlight of Virginia, LLC | 01/05/2021 | VA |
| Next Tier Consortium | KINEX Telecom, Inc. | 12/28/2020, as supplemented, 01/25/2021 | VA |
| Rural Electric Cooperative | PGEC Enterprises, LLC | 01/05/2021 | VA |
| Point Broadband Fiber Holding, LLC | Point Broadband Fiber Holding, LLC | 01/06/2021, as supplemented 01/25/2021 | VA |
| Scott County Telephone Cooperative, Inc. | Scott County Telephone Cooperative, Inc. | 01/29/2021 | VA |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | VA |
| Micrologic Inc. | Micrologic Inc. | 01/04/2021 | WV |
| Space Exploration Technologies Corporation | Starlink Services, LLC | 02/03/2021 | WV |

**ETC Petitions Covering Both RDOF-Eligible Areas and Additional**

**Areas Only Eligible for Lifeline Support**

|  |  |  |  |
| --- | --- | --- | --- |
| **Bidder Name** | **Petitioner Name** | **Date Filed** | **State** |
| NRTC Phase I RDOF Consortium | Joe Wheeler Electric Membership Corporation | 01/28/2021 | AL |
| Rural Electric Cooperative Consortium | Carolina West Wireless, Inc. | 02/17/2021 | NC |
| NRTC Phase I RDOF Consortium | New Hampshire Electric Cooperative, Inc. | 01/04/2021 | NH |
| Rural Electric Cooperative | OEConnect, LLC | 01/05/2021, as amended, 01/06/2021 | NY |
| Aeneas Communications, LLC | Aeneas Communications, LLC | 01/19/2021 | TN |
| Rural Electric Cooperative | Cumberland Connect, LLC | 12/29/2020 | TN |
| Rural Electric Cooperative Consortium | Forked Deer Connect, LLC | 01/05/2021 | TN |
| Tennessee Cooperative Group Consortium | Foursight Communications, LLC d/b/a Trilight | 02/10/2021 | TN |
| Co-op Connections Consortium | Gibson Connect, LLC | 01/05/2021 | TN |
| Prospero Broadband Consortium | TEPA Connect, LLC | 01/06/2021 | TN |
| Tennessee Cooperative Group Consortium | Twin Lakes Communications, Inc. | 02/12/2021 | TN |
| Tennessee Cooperative Group Consortium | West Kentucky Rural Telephone Cooperative Corporation, Inc. | 01/22/2021 | TN |
| Rural Electric Cooperative Consortium | Central Virginia Services, Inc. | 01/06/2021 | VA |
| Shenandoah Cable Television, LLC | Shenandoah Cable Television, LLC | 03/03/2021 | WV |
| Northern Arapaho Tribal Industries, Inc. d/b/a Wind River Internet | Northern Arapaho Tribal Industries, Inc. d/b/a Wind River Internet | 01/06/2021 | WY |

1. *See Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*,Public Notice, 35 FCC Rcd 13888, 13890-91, paras. 9-15 (RBATF, OEA, WCB 2020) (*RDOF Closing Public Notice*); *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6164-65, paras. 288-93 (2020) (*Auction 904 Procedures Public Notice*). [↑](#footnote-ref-3)
2. 47 CFR Part 54, Subparts D, K, L, M. [↑](#footnote-ref-4)
3. See *RDOF Closing Public Notice*, 35 FCC Rcd at n.72 (stating that Auction 904 petitioners may, in addition to seeking a high-cost designation in winning bid areas, seek a Lifeline-only ETC designation in areas not eligible for high-cost support for the limited purpose of becoming eligible to receive only Lifeline support in such areas). *See, e.g., Connect America Fund et al*., Fourth Order on Reconsideration, 27 FCC Rcd 8814, 8821-22, paras. 19-20 (2012) (explaining that a Lifeline-only ETC designation does not enable a carrier to receive high-cost support and noting distinctions between the obligations of such carriers). [↑](#footnote-ref-5)
4. 47 CFR § 54.804(b)(5); *RDOF Closing Public Notice*, 35 FCC Rcd at 13894, 13900-01. [↑](#footnote-ref-6)
5. 47 U.S.C. § 254(e). [↑](#footnote-ref-7)
6. *Id.* § 214(e)(2). [↑](#footnote-ref-8)
7. *Id.* § 214(e)(6). [↑](#footnote-ref-9)
8. *See* *Federal-State Joint Board on Universal Service et al*., CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12267, para. 120 (2000); 47 U.S.C. § 214(e)(6). [↑](#footnote-ref-10)
9. *See* *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997). [↑](#footnote-ref-11)
10. 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(1). [↑](#footnote-ref-12)
11. 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(2). [↑](#footnote-ref-13)
12. An ETC’s “service area” is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support. 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(a). Although section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), requires conformance of a competitive ETC’s service area and an incumbent rural telephone company’s service area, the Commission has separately forborne from imposing such requirements on Auction 904 support recipients. *See* *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order, 35 FCC Rcd 686, 728, para. 93-94 (2000). [↑](#footnote-ref-14)
13. 21 U.S.C. § 862; 47 CFR § 1.2002(a)–(b). [↑](#footnote-ref-15)
14. *See* 47 CFR § 54.202(a). [↑](#footnote-ref-16)
15. 47 U.S.C. § 214(e)(6); 47 CFR § 54.202(b). The Bureau has extended to Auction 904 support recipients the same waivers of certain requirements in section 54.202 of the Commission’s rules and the same presumption that designation will serve the public interest as it had previously extended to Auction 903 support recipients. *RDOF Closing Public Notice*, 35 FCC Rcd at 13901, n.71; *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 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019). [↑](#footnote-ref-17)
16. See *Electronic* *Filing* of *Documents* in Rulemaking Proceedings, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998); 63 FR 24121 (1998). [↑](#footnote-ref-18)
17. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy. [↑](#footnote-ref-19)
18. *See* 47 CFR § 1.1206. [↑](#footnote-ref-20)
19. *Id*. § 1.2016(b)(2)(iii). [↑](#footnote-ref-21)
20. *Id*. § 1.1206(b)(1). [↑](#footnote-ref-22)
21. *Id*. [↑](#footnote-ref-23)
22. *Id*. § 1.1206(b)(2). [↑](#footnote-ref-24)
23. *Id*. § 1.1206(b)(2)(i); *see also* *id.* § 1.49(f). [↑](#footnote-ref-25)