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May 23, 2023

Via Electronic Filing
& FEDEX Overnight Tracking No. 7722 2411 8304

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334-5701

Re: Docket No. 43713; Petition of Trailwave Fiber, Inc. to Relinquish Designation as an Eligible Telecommunications Carrier

Dear Ms. Tanner:

Trailwave Fiber, Inc. respectfully requests that the Georgia Public Service Commission permit it to relinquish its Designation as an Eligible Telecommunications Carrier as granted by Order No. 67661 and in Certificate No. 7805.

If you have any questions or would like to discuss this matter, please feel free to contact me at the contact information on this letterhead. Thank you for your assistance.

Sincerely,

Charles A. Hudak

CAH/nh
cc: Trailwave Fiber, Inc.

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In the Matter of	)	
	)	
Application of Trailwave Fiber, Inc.	)	
for Designation as an Eligible	)	Docket No. 43713
Telecommunications Carrier to Receive	)	
Rural Digital Opportunity Fund Phase I	)	
Auction (Auction 904) Support for Voice	)	
and Broadband Services	)	

PETITION OF TRAILWAVE FIBER, INC. TO RELINQUISH DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Trailwave Fiber, Inc. ("Trailwave") respectfully requests that the Georgia Public Service Commission (the "Commission") permit Trailwave to relinquish its designation as an Eligible Telecommunications Carrier ("ETC") in Georgia. Trailwave obtained ETC designation for the limited purpose of participating in the federal Rural Digital Opportunity Fund ("RDOF") program. As explained below, Trailwave has discontinued its participation in the RDOF program, and Trailwave will not be receiving RDOF funding, or providing federally supported services, for which ETC designation is otherwise necessary.

A. Background

Trailwave was selected as a winning bidder in Georgia in the RDOF auction, and was assigned support to provide qualifying broadband service to locations within thirteen (13) census block groups ("CBGs") in Habersham County and White County, Georgia. All of the CBGs are within the service territory of Trailwave's parent organization, Habersham Electric Membership Corporation. Trailwave's total awarded RDOF support over ten (10) years equaled $497,435.10.

Because the RDOF program is funded through the FCC's High Cost Fund support program, RDOF rules required each participant to obtain ETC designation in the CBGs where the participant intended to provide service.[1] Trailwave submitted an application to the Commission for ETC designation in this docket on January 6, 2021, and the Commission granted Trailwave's ETC designation on May 4, 2021 (Order No. 67661, Certificate No. 7805).

Due, in part, to the balkanized, non-contiguous nature of the RDOF CBGs awarded to Trailwave, Trailwave determined that proceeding with the RDOF program would not be in Trailwave's best interests. Therefore, Trailwave notified the FCC of its surrender of the RDOF awarded CBGs on May 25, 2022 (attached as Exhibit A). Accordingly, Trailwave did not receive RDOF funding, did not expand its network under the RDOF program, and has provided no supported voice or broadband services relying on its ETC designation or utilizing any RDOF funds. In short, Trailwave no longer needs to retain its ETC designation, which was sought for the limited purpose of enabling Trailwave to participate in the RDOF program. No customers or telecommunications carriers will be impacted by Trailwave's relinquishment of its ETC designation. As such, the Commission should permit Trailwave to relinquish its now-obsolete ETC designation.[2]

B. Requirements Under 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205

Under 47 U.S.C. § 214(e)(2) and (4) and 47 C.F.R. § 54.205, Congress and the FCC delegated authority to state commissions to designate carriers as ETCs and to permit carriers to relinquish their ETC designation. The standard for relinquishing an ETC designation is set forth in 47 U.S.C. § 214(e)(4), which states, in relevant part, that:

[1] *In the Matter of Rural Digital Opportunity Fund,* WC Docket No. 19-126, Report and Order, released February 7, 2020, at ¶¶ 81, 92.

[2] For clarity, this Petition does not seek relinquishment of Trailwave's existing CLEC or IXC certifications, both of which Trailwave wishes to retain.

> A State commission … ***shall permit*** an eligible telecommunications carrier to relinquish its designation as such a carrier ***in any area served by more than one eligible telecommunications carrier***. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission … of such relinquishment. (Emphasis added.)

Trailwave meets the standard for relinquishing its ETC designation because other ETCs, including Windstream, serve all of the CBGs where Trailwave was authorized as an ETC. Moreover, because Trailwave did not commence operating as an ETC and provided no voice or broadband services relying on its ETC designation, no customers will be impacted by Trailwave's relinquishment of its ETC designation.

C. Conclusion

For the foregoing reasons, Trailwave respectfully requests that the Commission grant this Petition expeditiously and enter an order confirming Trailwave's relinquishment of its ETC designation in all areas within the State of Georgia.

Respectfully submitted this 23rd day of May 2023.

Trailwave Fiber, Inc.



By:

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EXHIBIT A

TRAILWAVE NOTIFICATION OF RDOF SURRENDER/DEFAULT

EXHIBIT A

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May 25, 2022

Michael Janson
Director, Rural Broadband Task Force
Federal Communications Commission
michael.janson@fcc.gov

VIA EMAIL

Re: Trailwave Fiber, Inc. Notification of RDOF Default

Dear Mr. Janson:

By this letter, Trailwave Fiber, Inc., a wholly-owned subsidiary of Habersham Electric Membership Corporation ("Trailwave"), notifies the Commission of its decision to default on all census blocks assigned to Trailwave under the Rural Digital Opportunity Fund Phase I auction (Auction 904).

If you have any questions or require additional information, please let me know.

Cordially,



Casey Lide
Partner

Counsel for Trailwave Fiber, Inc.

cc:
Katie.king@fcc.gov
Auction904@fcc.gov