Before the
Georgia Public Utility Commission

In the Matter of	)	
	)	
City of Colquitt, Georgia	)	Docket No. _____
	)	
Application for Designation as an	)	
Eligible Telecommunications Carrier	)	
Pursuant to Section 214(e)(2) of the	)	
Communications Act of 1934, as amended	)	

APPLICATION FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended ("Act"),[1] Sections 54.201 and 54.202 of the rules of the Federal Communications Commission ("FCC"),[2] and in accordance with the Georgia Public Service Commission's ("Commission") requirements as set forth in Georgia Administrative Code 515-12-1-.35,[3] the City of Colquitt, Georgia ("Colquitt") respectfully requests designation as an eligible telecommunications carrier ("ETC") with respect to Rural Digital Opportunity Fund ("RDOF") support obligations for designated census blocks in Study Area Code 229033 covering 2,000 locations in Miller County, Georgia ("Assigned Census Blocks") that are being assigned to Colquitt from Point Broadband Fiber Holding, LLC ("Point Broadband").[4]

Colquitt and Point Broadband have entered into an Assignment and Assumption Agreement ("Agreement") with respect to the Assigned Census Blocks by which Point Broadband has agreed to assign to Colquitt, subject to Commission approval of this ETC

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[1] 47 USC § 214(e)(2).

[2] 47 CFR §§ 54.201, 54.202.

[3] Ga. Comp. R. & Regs. r. § 515-12-1-.35.

[4] *See* Exhibit A hereto for a list of the Assigned Census Blocks.

designation petition and FCC approval of the assignment of Point Broadband's domestic Section 214 authorization to Colquitt: (a) the assets Point Broadband acquired with RDOF support, including engineering plans, pole attachment rights, power, real property and transport services, (b) customer accounts for approximately 120 Point Broadband subscribers located in the Assigned Census Blocks, (c) RDOF support that has not been expended as of the consummation of the proposed transaction, and (d) the right to receive all future RDOF support for the Assigned Census Blocks, estimated to be $424,107.47 in annual support. At Closing, Colquitt will acquire the above assets and assume all of Point Broadband's obligations associated with the receipt of RDOF support for these locations. Colquitt is not acquiring any of Point Broadband's telecommunications assets, services, or customers outside the Assigned Census Blocks. The transaction will not result in any loss or impairment of service for either party's subscribers. Colquitt plans to develop and operate a municipally owned fiber optic and wireless broadband network for rural consumers in the Assigned Census Blocks and has committed significant resources to complement the RDOF support and other assets it will obtain as a result of the proposed transaction.[5]

In connection with this transaction, Point Broadband and Colquitt have filed an application with the FCC for the assignment of Point Broadband's domestic Section 214 authorization for the Assigned Census Blocks.[6] Concurrently herewith, Point Broadband is

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[5] A map showing the Assigned Census Blocks is attached as Exhibit B hereto.

[6] *See Point Broadband Fiber Holding, LLC, Assignor, and City of Colquitt, Georgia, Assignee, For Consent to Assignment of Domestic Section 214 Authorization*, Application for Consent to Assignment of Domestic Section 214 Authorization, FCC WC Docket No. 25-187 (filed May 30, 2025) ("Section 214 Application").

submitting to the Commission a request for relinquishment of its ETC designation for the Assigned Census Blocks, to be effective upon consummation of the transaction.

I. INTRODUCTION AND SUMMARY

City of Colquitt. Colquitt is a city and the county seat of Miller County, Georgia. Colquitt has been the county seat of Miller County since Miller County was incorporated by the Georgia Legislature in 1856. The city formally incorporated on December 19, 1860, and is Miller County's only incorporated municipality. It is governed by a mayor and four council members, with day-to-day functions managed by a City Manager. The population was 2,001 at the 2020 census.

Colquitt currently provides broadband services to approximately 270 customers. Colquitt's strategic goal is to provide high-speed Internet service coverage to 90% of Miller County. This wide-reaching availability will be made possible through a combination of fixed wireless and fiber optic cable technologies, ensuring that residents and businesses alike can access quality voice and broadband access services. To navigate this expansion successfully, Colquitt must focus on ensuring the timely upgrade of existing tower infrastructure, strategically planning the rollout of fiber installation, addressing outstanding debts, and consistently engaging with the community to raise awareness of the new services available.

As Colquitt embarks on this ambitious journey, the community can look forward to the benefits of expanded Internet access and improved service quality, ultimately fostering a more connected and technologically advanced environment. The assignment of Point Broadband's RDOF rights and obligations for the Assigned Census Blocks will contribute to Colquitt's ability to attain these goals.

Colquitt currently is not receiving high-cost support and is not receiving state or federal grant support to provide 100/20 Mbps broadband service in the Assigned Census Blocks.

Point Broadband Fiber Holding, LLC. Point Broadband is a limited liability company organized under the laws of Delaware and is based in Opelika, Alabama. It is a U.S. Fiber-to-the-Premise provider that serves both residential and commercial customers in the Midwest and Eastern United States, including in Georgia. It provides fixed broadband services to residential and business customers using fixed wireless and fiber technologies. Point Broadband does not provide local exchange service in the Assigned Census Blocks.

On December 7, 2020, the FCC announced the winning bidders for the RDOF Phase I auction (Auction 904).[7] On May 27, 2021, this Commission released an order designating Point Broadband as an ETC for its RDOF census blocks (i.e., the Assigned Census Blocks) in Georgia.[8] On September 15, 2021, the FCC's Wireline Competition Bureau released the *Authorization PN* authorizing Point Broadband to receive $4,241,074.70 in RDOF support for 2,000 locations in Miller County, Georgia.[9]

Section 214 Assignment. On May 30, 2025, Colquitt and Point Broadband filed the Section 214 Application seeking the FCC's consent to the assignment of Point Broadband's Section 214 authorization for the Assigned Census Blocks to Colquitt.[10] As discussed in more

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[7] *Rural Digital Opportunity Fund Phase I (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021,* Public Notice, 35 FCC Rcd 13888 (OEA & WCB 2020) ("*RDOF Auction Closing Public Notice*") attached as Exhibit C hereto.

[8] *See Order on Application for Designation as an Eligible Telecommunications Carrier*, Docket No. 43705 (May 27, 2021), *available at* https://psc.ga.gov/search/facts-document/?documentId=185863.

[9] *See Rural Digital Opportunity Fund Support Authorized for 466 Winning Bids*, Public Notice, 36 FCC Rcd 13574 (OEA & WCB 2021) ("*Authorization PN*") at Attach. A.

[10] *See* Section 214 Application.

detail below, Colquitt meets all of the statutory and regulatory requirements for designation as an ETC in the State of Georgia.

All correspondence, communications, pleadings, notices, orders, and decisions relating to this application should be sent to:

Cody A. Hamilton
Chief Technology Officer
156 College Street
Colquitt, GA 39837
Phone: (229) 758-1019
Email: chamilton@colquittga.gov

II. COLQUITT SATISFIES THE FEDERAL REQUIREMENTS FOR DESIGNATION AS AN ETC

Pursuant to Section 214(e)(2) of the Act, state commissions are authorized to designate as an ETC any common carrier that, through the service area for which the ETC status is sought, (i) offers the services that are supported by the federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services, and (ii) advertises the availability of such services using media of general distribution. As demonstrated below, Colquitt will satisfy these requirements and, therefore, should be designated as an ETC.

A. Colquitt Will Provide Service Using a Combination of Its Own Facilities and Resale

Consistent with Section 214(e) of the Act, Colquitt will offer, throughout its supported areas, services through "a combination of its own facilities and resale of another carrier's services."[11] Colquitt will provide interconnected VoIP service to its end user customers in the Assigned Census Blocks.

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[11] 47 U.S.C. § 214(e).

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

For RDOF support recipients, the FCC defines the supported service as qualifying voice service and conditions grant of funding on the offering of qualifying broadband service.[12]

1. *Voice Grade Access to the PSTN* – Pursuant to Section 54.101(a) of the FCC's rules, Colquitt will offer interconnected VoIP service on a standalone basis through its own facilities.[13] Colquitt will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting the FCC's universal service requirements.

   This service will include minutes of use for local service provided at no charge to end users (specifically, Colquitt's service plans will offer unlimited usage within the U.S.) and access to emergency services via 911 or E-911. Colquitt will not distinguish between the pricing of toll and non-toll calls in the pricing of its voice service, and accordingly it is not obligated to provide toll limitation services to qualifying low-income consumers.[14]

2. *Broadband Internet Access Services* – Colquitt's broadband Internet offering will provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.

   Colquitt initially plans to offer broadband Internet access service at speeds of 1 Gbps/500 Gbps for $117.57 per month. Colquitt initially plans to offer standalone voice telephony for $29.20 per month. Pricing will maintain compliance with the FCC's annual rate surveys.[15]

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[12] *See* 47 CFR § 54.101 (including both eligible voice telephony and eligible broadband Internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); *see also Connect America Fund et al*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17692-94, 17695 (2011), *aff'd sub nom. In re: FCC 11-161*, 753, F3d 1015 (10th Cir. 2014) (defining "voice telephony service" as the supported service and requiring high-cost support recipients to offer broadband as a condition of receiving support).

[13] *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier,* Public Notice, 33 FCC Rcd 6696, 6698-99 (WCB 2018) ("*ETC Process Public Notice*").

[14] 47 CFR § 54.401(c).

[15] *See, e.g., Wireline Competition Bureau and Office of Economics and Analytics Announce Results of 2021 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowance for Eligible Telecommunications Carriers*, Public Notice, 35 FCC Rcd 13667 (WCB 2020); *see also ETC Process Public Notice* at 6698-99.

Colquitt commits to provide these services consistent with the FCC's high-cost universal service support rules applicable to it.[16]

In addition, Colquitt will offer Lifeline discounts to qualifying low-income consumers consistent with the FCC's Lifeline rules in the Assigned Census Blocks.[17] Colquitt will not require a contract for Lifeline services.

Colquitt possesses the financial and technical capability to provide the supported services.

Colquitt certifies that it will comply with the service and performance quality requirements for RDOF support in the Assigned Census Blocks (*see* Exhibit A).[18] Colquitt further certifies that its network will have the ability to remain functional in emergency situations, it has a reasonable amount of back-up power to ensure functionality without an external power source consistent with FCC rules, will be able to reroute traffic around damaged facilities, and will be capable of managing traffic spikes resulting from emergency situations.[19] Colquitt's network in the Assigned Census Blocks will support telephone service using Session Initiation Protocol-based VoIP technology and will support all phone features, including 911 services.

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[16] *See* 47 CFR §§ 54.101(c), 54.805.

[17] *See id.* § 54.101(d); *Lifeline and Link Up Reform and Modernization, et al.,* Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3974, 4074-75 (2016) (requiring all high-cost recipients to meet Lifeline obligations in all areas where they deploy a network pursuant to a broadband service obligation and are commercially offering qualifying service).

[18] *See* 47 CFR § 54.805; *see also ETC Process Public Notice* at 6700.

[19] *See id.* n.36.

C. Colquitt Will Provide Service Using a Combination of Its Own Facilities and Resale

Consistent with Section 214(e) of the Act, Colquitt will offer, throughout its supported areas, services through "a combination of its own facilities and resale of another carrier's services."[20] As stated above, Colquitt will provide its own voice solution.

D. Colquitt Will Provide Service Throughout the Service Area Subject to This Petition

Colquitt commits to providing the supported services throughout its ETC designated service area, consistent with all applicable requirements. Colquitt's requested ETC designated service area is limited to the Assigned Census Blocks.

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

Colquitt 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. Colquitt will offer and advertise its voice and broadband services through direct mail, door-to-door sales, its web page, social media and other outlets such as radio, newspapers, web sites, and community events.

F. Colquitt Meets All State Requirements for ETC Designation

As explained below, Colquitt meets all of the requirements of Georgia Administrative Code 515-12-1-.35[21] for designation as an ETC as follows:

1) Colquitt will resolve within a reasonable time period any and all complaints filed against it with the Commission's Consumer Affairs Unit.[22]

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[20] 47 U.S.C. § 214(e).

[21] Ga. Comp. R. & Regs. r. § 515-12-1-.35.

[22] *Id.* at § 515-12-1-.35(2).

2) Colquitt will advertise the availability of Lifeline service on its Internet website, as described above in Section II(e).[23]

3) Colquitt will not charge usage or charge fees of any kind for calls to customer service.[24] Colquitt's VoIP service will include unlimited local and interstate calling.

4) Colquitt will offer Lifeline service as required by the FCC's and Commission's rules at all locations where it has been awarded RDOF support.[25]

5) Colquitt's Lifeline materials will include the language required by the Commission.[26]

6) Colquitt will include its lowest cost service offering in all Lifeline advertisements.[27]

III. DESIGNATION OF COLQUITT AS AN ETC IS IN THE PUBLIC INTEREST

Designation of Colquitt as an ETC will serve the public interest by ensuring that Colquitt is eligible to receive RDOF support from the FCC for the expansion of broadband and voice service in rural Georgia. Colquitt will use this federal funding to expand access to high-speed broadband and voice provided through interconnected VoIP. These services will support connectivity to residents and commercial businesses and provide an alternative to services traditionally provided by wireline carriers.

Designation of Colquitt as an ETC will also promote enhanced competition in the Assigned Census Blocks, prompting competitors to enhance their existing networks and improve quality of service. Enhanced competition will also provide consumers additional choices in service providers and more competitive rates.

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[23] *Id.* at § 515-12-1-.35(3).

[24] *Id.* at § 515-12.1-.35(4).

[25] *Id.* at § 515-12.1-.35(5), (6) and (8).

[26] *Id.* at § 515-12.1-.35(7).

[27] *Id.* at § 515-12.1-.35(9).

IV. CONCLUSION

For all the foregoing reasons, Colquitt respectfully requests that the Commission grant this Petition so that Colquitt will be designated as an ETC and eligible for RDOF Phase I support in the census blocks listed in Exhibit A.

Respectfully submitted,

CITY OF COLQUITT, GEORGIA

By: Cory Thomas, City Mgr

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Colquitt, GA 39837
Phone: (229) 758-1019
Email: chamilton@colquittga.gov

7/28/25
Date

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EXHIBIT A

LIST OF CENSUS BLOCKS IN WHICH COLQUITT SEEKS ETC DESIGNATION (ALL ARE IN MILLER COUNTY)

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EXHIBIT B
MAP DEPICTING ASSIGNED CENSUS BLOCKS



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EXHIBIT C
RDOF AUCTION CLOSING PUBLIC NOTICE

PUBLIC NOTICE

Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: https://www.fcc.gov
TTY: 1-888-835-5322

DA 21-1158
Released: September 15, 2021

RURAL DIGITAL OPPORTUNITY FUND SUPPORT AUTHORIZED FOR 466 WINNING BIDS

AU Docket No. 20-34
WC Docket No. 19-126
WC Docket No. 10-90

By this Public Notice, the Wireline Competition Bureau (WCB), in conjunction with the Rural Broadband Auctions Task Force (RBATF) and the Office of Economics and Analytics (OEA), authorize Rural Digital Opportunity Fund (Auction 904) support for the winning bids identified in Attachment A of this Public Notice.

For each of the winning bids identified in Attachment A, we have reviewed the long-form application information, including the letter(s) of credit and Bankruptcy Code opinion letter(s) from the long-form applicant's legal counsel. Based on the representations and certifications in the relevant long-form application, we authorize support for the winning bids listed in Attachment A.

We will also soon post a state-level summary under the "Results" tab on the Auction 904 webpage at https://www.fcc.gov/auction/904/round-results. The summary will provide for each long-form applicant included in this Public Notice: 1) the total support amount over 10 years and total number of locations that the long-form applicant is being authorized for in each state, 2) the total number of locations to which the authorized support recipient must offer the required voice and broadband services for each performance tier and latency in each state, and 3) the eligible census blocks included in the winning bids that are being authorized in each state.

Upon issuance of this Public Notice, the Universal Service Administrative Company (USAC) is directed and authorized to obligate and disburse from the Universal Service Fund the amounts identified in Attachment A to the long-form applicant associated with each study area specified in Attachment A. USAC will make disbursement payments to the account on file for the 498 ID associated with the study area code (SAC). The support will be disbursed in 120 monthly payments, which will begin at the end of this month.

Below, we provide a summary of the various obligations of authorized Auction 904 support recipients. The list below is not a comprehensive list; thus, each support recipient is still responsible for conducting the due diligence required to comply with universal service fund requirements and the Commission's rules.

Summary of Obligations and Relevant Dates. **All** Auction 904 authorized long-form applicants are subject to the following deadlines:

- **Annual reporting of location information**. Auction 904 support recipients are required to file location information with USAC through the High-Cost Universal Broadband (HUBB) portal.[1]

[1] 47 CFR §§ 54.316(a)(8), 54.806(a); *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 712, para. 56 (2020) (*Rural Digital Opportunity Fund Order*).

This information includes geolocation data for each qualifying location to which they are offering the requisite service and the technology the Auction 904 support recipient is using to offer the requisite service to the qualifying locations.[2] The requisite service is: at least one standalone voice plan and one service plan that provides broadband at the relevant performance tier and latency requirements at rates that are reasonably comparable to rates offered in urban areas.[3] The locations must be in the eligible census blocks covered by the long-form applicant's winning bids.[4]

The Commission has consistently encouraged carriers subject to defined deployment obligations and HUBB reporting obligations to report location data on a rolling basis and has adopted a best practice of filing this information within 30 days after the initial offering of service.[5] While reporting on a rolling basis is encouraged, the first deadline for **all** authorized long-form applicants to submit their location data is **March 1, 2022**.[6] All support recipients must continue to report this information by March 1 in each year thereafter until all build-out requirements are satisfied. For more information about the HUBB portal and reporting location data, visit https://www.usac.org/high-cost/annual-requirements/submit-data-in-the-hubb/.

- **Service milestones**. The service milestones for Auction 904 support recipients authorized by this Public Notice will be as follows:[7]

Percentage of Locations in a State	Service Milestone Deadline
40	December 31, 2024
60	December 31, 2025
80	December 31, 2026
100	December 31, 2027

[2] 47 CFR § 54.316(a)(8).

[3] 47 CFR § 54.805; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 707, para. 42. *See also Wireline Competition Bureau and Office of Economics and Analytics Announce Results of 2021 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowance for Eligible Telecommunications Carriers*, WC Docket No. 10-90, Public Notice, 35 FCC Rcd 13667 (WCB/OEA 2020). We remind all applicants that an eligible telecommunications carrier (ETC) satisfies its obligation to "offer" qualifying services by being legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting universal service fund-related requirements. Accordingly, a broadband provider may satisfy its voice obligations by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor, but a provider cannot simply rely on the availability of over-the-top voice options to satisfy this obligation. *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, 6129, para. 139 (2020) (*Auction 904 Procedures Public Notice*).

[4] *See also Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding their Broadband Location Reporting Obligations*, Public Notice, 31 FCC Rcd 12900 (WCB 2016) (*Location Guidance Public Notice*).

[5] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 56 & n.156. A support recipient is deemed to be commercially offering voice and/or broadband service to a location if it provides service to the location or could provide it within 10 business days upon request. *Id.* at 711-12, para. 54

[6] 47 CFR § 54.316(c)(1).

[7] 47 CFR § 54.802; *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709-12, paras. 45-55.

WCB has been directed to publish revised location counts before the end of service milestone year six.[8] In areas where the revised location total is higher than the number of Connect America Cost Model (CAM)-calculated locations, support recipients will be required to have begun commercially offering service to 100% of the CAM-calculated location count by the end of the sixth calendar year.[9] Such support recipients must then offer service to 100% of the revised location count by the end of the eighth calendar year.[10] In areas where there are fewer locations than calculated by the CAM, support recipients must notify WCB no later than March 1 following the fifth year of deployment.[11] Upon confirmation by WCB, such a support recipient will be required to reach 100% of the new number by the end of the sixth calendar year.[12] All support recipients must also offer service on reasonable request to locations built subsequently to the revised location count announced by WCB but prior to the end of service milestone year eight.[13]

By **March 1st** following each relevant service milestone, an Auction 904 support recipient must file a certification in the HUBB portal that it has met its service milestone and is meeting the requisite public interest obligations.[14] Compliance with service milestones will be determined at the state level.[15] The Commission will verify that the support recipient offers the required service to the total number of locations across all the eligible census blocks included in all of the support recipient's authorized bid areas (i.e., census block groups) in a state.[16] If a support recipient is authorized to receive support in a state for different performance tier and latency combinations, it will be required to demonstrate that it is offering service meeting the relevant performance requirements to the required number of locations for each performance tier and latency combination within that state.[17]

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[8] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709, para. 45.

[9] *Id.* at 710, para. 49. Carriers for which the new location count exceeds the CAM locations within their area in each state by more than 35% will have the opportunity to seek additional support or relief from the Commission. *Id.*

[10] *Id.* Any such support recipient with increased deployment obligations may also seek to have its new location count adjusted to exclude additional locations, beyond the number identified by the CAM, that it determines before the end of year eight are ineligible (e.g., are not habitable), unreasonable to deploy to (e.g., if it would require a carrier to install new backhaul facilities or other major network upgrades solely to provide broadband to that location), or part of a development newly built after year six for which the cost and/or time to deploy before the end of the support term would be unreasonable. *Id.* at 710-11, para. 50.

[11] *Id.* at 711, para. 51. Carriers for which the new location count is less than 65% of the CAM locations within their area in each state shall have their support amount reduced on a pro rata basis by the number of reduced locations. *Id.* For example, if a carrier was authorized to receive $3 million per year for 1,000 model locations in a state, but the WCB confirms that there are only 600 actual locations (fewer than 650 locations, or 65%), WCB would reduce that carrier's support to $2,769,231 (or $3,000,000 * (600/650)).

[12] *Id.*

[13] *Id.* at 711, para. 52. Support recipients are not obligated to offer service to newly built locations that do not request service, or to those with exclusive arrangements with other providers. *Id. See also Connect America Fund et al.*, Report and Order et al., 29 FCC Rcd 7051, 7070, paras. 59-72 (2014) (issuing declaratory ruling regarding which requests should be deemed unreasonable under our current rules and policies to provide greater clarity to all affected stakeholders).

[14] 47 CFR §§ 54.316(b)(5), 54.806(a); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 56.

[15] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 54.

[16] Winning bidders must use Rural Digital Opportunity Fund support to deploy service to locations in only the eligible census blocks, not to the other, ineligible census blocks within a census block group won in the auction.

[17] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 54.

If an ETC is unable to meet a service milestone, it must notify the Commission, USAC, and the relevant state, U.S. Territory, or Tribal government as appropriate, no later than ten business days after the applicable deadline.[18] If the ETC is unable to meet the required deployment obligations due to circumstances beyond its control, it may also seek waiver of the service milestones.[19] The Commission has repeatedly warned support recipients, however, that it does not expect to routinely grant such waiver requests, emphasizing the difficulty of demonstrating good cause under circumstances where carriers fail to plan for contingencies that would prevent compliance with defined deployment obligations.[20]

- **Annual section 54.313 report.** Long-form applicants authorized in this Public Notice will be required to file their first annual section 54.313 report by **July 1, 2022** and each subsequent year until the year after their support terms have ended.[21] Annual reports are filed with USAC. Support recipients must complete the FCC Form 481 on USAC's website.[22] They must also test and certify compliance with relevant performance requirements in section 54.805 of the Commission's rules on an annual basis.[23] WCB, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology have adopted a uniform framework to measure and report on the performance of ETCs' service.[24]
- **Annual section 54.314 certification.** The first annual section 54.314 certification is due for the long-form applicants that are being authorized by this Public Notice by **October 1, 2022**.[25]

  Pursuant to section 54.314 of the Commission's rules, if a support recipient was designated by a state, that state must certify on the support recipient's behalf "that all federal high-cost support provided . . . within that State was used in the preceding calendar year and will be used in the

[18] 47 CFR §§ 54.320(d), 54.806(c).

[19] *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15700, para. 154 (2014) (*December 2014 Connect America Order*).

[20] *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Order on Reconsideration, 33 FCC Rcd 1380, 1394, para. 35 (2018) (explaining that "it would be difficult for a recipient to meet its burden of demonstrating good cause to grant a waiver of the deployment obligations if it did not plan to build to 100 percent of funded locations at the outset of its support term"); *id.* at 1394, para. 33 & n.88 (explaining that "the Commission has cautioned that it does not expect such waiver requests will be granted routinely, and a failure to plan for some contingencies would make it difficult to establish that there is good cause to warrant waiver") (citing *December 2014 Connect America Order*, 29 FCC Rcd at 15660, para. 40 & n.93).

[21] 47 CFR §§ 54.313, 54.806(a); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 713, para. 57. Long-form applicants being authorized by this Public Notice that have also been designated as Lifeline only ETCs in census blocks that are not eligible for Auction 904 support must comply with all relevant reporting requirements for the Lifeline program in sections 54.416 and 54.422 of the Lifeline rules, including completing and submitting FCC Form 481 on USAC's website, if applicable. 47 CFR §§ 54.416, 54.422.

[22] *See* Universal Service Administrative Company, File FCC Form 481, https://www.usac.org/high-cost/annual-requirements/file-fcc-form-481/.

[23] 47 CFR §§ 54.313(a)(6), 54.805.

[24] *Performance Measures for Connect America High-Cost Universal Service Support Recipients*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) (*CAF Performance Measures Order*); 47 CFR § 54.313(a)(6). Further modifications were made to the performance measures requirements in subsequent reconsideration orders. *See Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 8081 (WCB/WTB/OET 2019); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109 (2019).

[25] 47 CFR §§ 54.314, 54.806(a).

coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."[26]

If a support recipient was designated an ETC by the Federal Communications Commission, it must self-certify by filing a sworn affidavit executed by a corporate officer attesting to the relevant facts.[27] Certifications must be filed with both the Commission and USAC. ETCs may submit their certifications to USAC via its online filing system or by sending the appropriate certification sample letter (provided on USAC's website) via email or U.S. mail.[28] Certifications must also be submitted to the Commission's Office of the Secretary on or before **October 1st**. The submission should clearly reference WC Docket No. 14–58, ETC Annual Reports and Certifications.

We conclude there is good cause to waive on our own motion the general high-cost support program requirement that the relevant states (or the ETCs, if applicable) file a section 54.314 certification by October 1, 2021 with respect to the use of Auction 904 support for the applicants authorized in this Public Notice.[29] When the Commission adopted the certification requirement, it made clear that it expected the states and federally designated ETCs to undertake a rigorous examination of the factual information provided in the annual reports required pursuant to section 54.313 prior to issuance of the annual certification.[30] In this instance, the Auction 904 applicants being authorized today did not receive Auction 904 support in 2020 and did not file an annual report with respect to those supported areas on July 1, 2021. Therefore, the state commissions and federally designated ETCs will not have the annual reporting information before them to provide an evidentiary basis for certifying that support will be used for its intended purposes in 2022 as required by the prospective section 54.314 certification due by October 1, 2021. State commissions (or the ETCs, if applicable) will be required to certify support received in 2021 was used for its intended purposes when the section 54.314 certification is filed by October 1, 2022 and will be required to certify that support received in 2022 was used for its intended purposes when the section 54.314 certification is filed by October 1, 2023. Accordingly, we conclude that the Commission, USAC, and the states will have assurance that Auction 904 support that is disbursed in 2021 and 2022 is used for its intended purposes even if the relevant states or federally designated ETCs do not file the section 54.314 certification on October 1, 2021.

All post-designation ETC-related filings must be submitted in good faith and include a certification that, to the best of the ETC's knowledge and belief, the information is complete and

[26] 47 CFR § 54.314(a).

[27] 47 CFR § 54.314(b), (c)(2).

[28] *See* Universal Service Administrative Company, Certify Data with 54.314, https://www.usac.org/high-cost/annual-requirements/certify-data-with-54-314/.

[29] Generally, the Commission's rules may be waived for good cause shown. 47 C.F.R. § 1.3. Waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest. *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), *cert. denied*, 93 S.Ct. 461 (1972)). We previously waived the October 1 section 54.314 certification for Connect America Phase II auction long-form applicants that were authorized in 2019 and in 2020. *Connect America Fund Phase II Auction Support Authorized for 459 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd 3142, 3145-46 (WCB/OEA 2019); *Connect America Fund Phase II Auction Support Authorized for 1060 Winning Bids*, AU Docket NO. 17-182, WC Docket No. 10-90, Public Notice, 35 FCC Rcd 945, 948-949 (WCB/OEA 2020).

[30] *Connect America Fund et al.*; Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17861, para. 612 (2011) *aff'd sub nom., In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

accurate.[31] In addition, ETCs have an on-going duty to correct or amend information if they have reason to believe, either through their own investigation or upon notice from USAC, that the data are inaccurate, incomplete, or contain errors or anomalies.[32] The failure to timely file information may result in penalties in the form of a reduction in support.[33]

Default. On July 26, 2021, the RBATF, WCB, and OEA sent a letter to certain long-form applicants that identified census blocks where concerns of existing service or questions of potential waste had been raised, and informed applicants that if they no longer wished to pursue support for a winning bid they should identify those census block groups with a brief explanation of their decision to default on their bid(s).[34] A number of long-form applicants responded to the letter by indicating that they planned to default in certain identified areas and those responses will be addressed in future releases.[35] Gibson Connect, LLC (Gibson Connect) responded to this letter and indicated that it would no longer pursue support for one census block after it confirmed that the census block is already served by one or more service providers offering 25/3 Mbps broadband service.[36] Attachment A does not include Gibson Connect's winning bid that covers the affected Tennessee census block group. This default will be addressed in a future release(s). No other long-form applicants listed in Attachment A indicated that they would default on areas identified by the letter.[37]

National Security Supply Chain Proceeding. We remind winning bidders that all Auction 904 support recipients will be subject to the Commission's National Security Supply Chain proceeding, including the rule that "no universal service support may be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by any company posing a national security threat to the integrity of communications networks or the communications supply chain."[38] The prohibition on using universal service funds applies "to upgrades and maintenance of existing equipment and services."[39] Additionally, federal subsidies made available through a program administered by the Commission that are "to be used for the capital expenditures necessary for the

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[31] *See, e.g.*, FCC Form 481 Officer Certification (requiring an officer of a petitioning entity to certify that he/she is "an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate"); *see also* 47 CFR § 1.17(a)(2) (stating that no person may provide, in any written statement of fact "material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading").

[32] *See Location Guidance Public Notice*, 31 FCC Rcd at 12910.

[33] 47 CFR §§ 54.313(j), 54.314(d), 54.316(c), 54.320, 54.806.

[34] *See* "Letters to Long-Form Applicants about Identified Census Blocks." https://www.fcc.gov/auction/904/releases.

[35] *See, e.g.*, AMG Technology Investment Group, LLC Petition for Waiver, AU Docket No. 20-34 et al. (filed Aug. 16, 2021); Connect Everyone LLC Request for Waiver, AU Docket No. 20-34 et al. (filed Aug. 16, 2021); Charter Communications, Inc. Petition for Waiver, AU Docket No. 20-34 et al. (filed Sept. 7, 2021).

[36] Petition for Waiver by Gibson Connect, LLC of all Penalties Associated with a Default of a Winning RDOF Bid, AU Docket No. 20-34 et al. (filed Aug. 12, 2021).

[37] The applicants listed in Attachment A that received the letter, *see supra* n.34, have defaulted on areas in response to the letter, conducted on-site re-evaluations of the areas in question, represented that the census blocks identified currently do not have service comparable to that which will be offered pursuant to their obligations under this program, and/or had only a de minimis number of blocks identified in the letter.

[38] 47 CFR § 54.9(a).

[39] *Protecting Against National Security Threats to the Communication Supply Chain through FCC Programs et al.*, WC Docket No. 18-89 et al., Report and Order et al., 34 FCC Rcd 11423, 11453, para. 77 (2019).

provision of advanced communications service" cannot be used to "purchase, rent, lease, or otherwise obtain any covered communications equipment or service; or maintain any covered communications equipment or service."[40] Moreover, the Commission will require ETCs to certify prior to receiving universal service funds that they do not use covered communications equipment or services.[41]

Document Retention and Compliance Audits. Under section 54.320 of the Commission's rules, recipients of high-cost support must retain, for at least ten years, all records necessary to demonstrate to auditors that the support received was consistent with universal service high-cost program rules and to make these documents available upon request to the Commission (and any of its Bureaus or Offices) and to USAC, and to their respective auditors.[42] In addition, all ETCs that receive high-cost support are subject to random compliance audits and other investigations to ensure compliance with program rules and orders, including verification of actual deployment to reported locations.[43]

Consequences for Non-Compliance. A support recipient is subject to non-compliance measures once it becomes a support recipient if it fails or is unable to meet its minimum coverage requirement or other service requirements, or fails to fulfill any other term or condition of Auction 904 support.[44] These measures scale with the extent of non-compliance and include additional reporting, withholding of support, and support recovery.[45] A defaulting support recipient may also be subject to sanctions, including, but not limited to, potential revocation of ETC designations and suspension or debarment.[46]

ETC Obligations. All Auction 904 support recipients were required to obtain a high-cost ETC designation prior to being authorized for Auction 904 support, and thus should be familiar with ETC requirements. For example, all high-cost ETCs commit to serving the entire area covered by an ETC designation and must offer Lifeline voice and broadband service throughout such area to qualifying low-income consumers pursuant to the Lifeline program rules.[47] While an Auction 904 support recipient was not required to obtain an ETC designation that was limited only to the eligible census blocks covered by its winning bids, it may only use its Auction 904 support to offer the required voice and broadband services to locations in eligible census blocks. If an Auction 904 support recipient has obtained an ETC designation that covers more area than the eligible census blocks in its winning bids, that support recipient has the obligation to provide Lifeline services throughout its designated service area, including

[40] 47 CFR § 54.10.

[41] *Id.* § 54.11. This certification requirement is not required "until one year after the date the Commission releases a Public Notice announcing the acceptance of applications for filing during the initial filing window of the [Secure and Trusted Communications Networks] Reimbursement Program." *Id.* § 54.11(c). "Covered communications equipment or services means any communications equipment or service that is on the Covered List" published pursuant to section 1.50002 of the Commission's rules. *Id.* §§ 1.50002, 54.11(b).

[42] 47 CFR §§ 54.320(b), 54.806(b).

[43] *Id.* §§ 54.320(a), 54.806(b).

[44] *Id.* §§ 54.320, 54.804(c)(4), 54.806(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 713-16, paras. 58-64; *December 2014 Connect America Order*, 29 FCC Rcd at 15694-700, paras. 142-54; *CAF Performance Measures Order*, 33 FCC Rcd at 6531-33, paras. 60-67.

[45] 47 CFR §§ 54.320, 54.804(c)(4), 54.806(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 713-16, paras. 58-64; *December 2014 Connect America Order*, 29 FCC Rcd at 15694-701, paras. 142-57; *CAF Performance Measures Order*, 33 FCC Rcd at 6531-33, paras. 60-67.

[46] 47 CFR §§ 54.320(c), 54.806(b); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 715-16, para. 63.

[47] *See* 47 CFR §§ 54.101(d), 54.405(a); 47 CFR Subpart E.

in areas where it cannot use its Auction 904 support.[48] A high-cost ETC may also be subject to state-specific requirements imposed by the state that designated it as an ETC.

Discontinuance of Service and/or Relinquishment of Support. It is a violation of Commission rules to receive universal service support if that support is not used to provide, maintain, and upgrade voice and/or broadband facilities and services in eligible areas or if the recipient is no longer offering supported services. A carrier that cannot appropriately use universal service support must relinquish its ETC designation pursuant to section 214(e)(4) of the Communications Act of 1934, as amended (the Communications Act).[49] An ETC that was designated by a state commission should follow the state commission's rules to seek relinquishment.[50] ETCs designated by the Commission must file a notice of relinquishment in WC Docket No. 09-197, Telecommunications Carriers Eligible for Universal Service Support, using the Commission's Electronic Comment Filing System (ECFS).[51] WCB will release an order approving the relinquishment if the relinquishing ETC demonstrates that the affected area will continue to be served by at least one ETC.[52] The ETC must then send a copy of its relinquishment notice and a copy of the relinquishment order (within one week of its release) to USAC at hcorders@usac.org. A carrier that intends to discontinue service must first obtain authorization to discontinue service pursuant to section 214(a) of the Communications Act and section 63.71 of the Commission's rules.[53]

Transfers of Control. ETCs seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Communications Act of 1934, as amended, or to engage in the sale of assets under section 214 must first receive approval from the Commission in accordance with sections 63.03 and 63.04 of the Commission's rules governing the procedures for domestic transfer of control/asset applications.[54] Transfers of control and assignments of international section 214 authorizations are separately subject to section 63.24 of the Commission's rules.[55] Except where the Commission has forborne from the application of section 214, this requirement applies to all transfers of control or asset acquisitions involving ETCs. More information is available on the Commission's website at http://www.fcc.gov/general/transfer-control.

Price Cap Carrier Obligations. Price cap carriers that serve the census blocks where an Auction 904 long-form applicant that is not the incumbent price cap carrier has been authorized to receive support will no longer have a federal high-cost ETC obligation to continue to offer voice service in those census blocks pursuant to the forbearance granted by the Commission, unless they have elected to receive a seventh year of model-based support in these census blocks.[56] Price cap carriers electing to receive a

[48] For example, some Auction 904 support recipients may have obtained an ETC designation for an entire census block group(s) that was covered by its winning bid(s) but may only use its Auction 904 support to offer service to locations in the eligible census blocks within the census block group(s).

[49] 47 U.S.C. § 214(e)(4).

[50] 47 CFR § 54.205.

[51] 47 U.S.C. § 214(e)(4); *Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 09-197, 10-90, Order, DA 21-663, at 10, para. 30 (WCB June 8, 2021).

[52] *See, e.g., Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Order, DA 21-660 (WCB June 8, 2021) (approving T-Mobile USA, Inc.'s request on behalf of T-Mobile Northeast LLC to relinquish its ETC designation in Virginia).

[53] 47 U.S.C. § 214(a); 47 CFR § 63.71.

[54] 47 U.S.C. § 214; 47 CFR §§ 63.03, 63.04.

[55] 47 CFR § 63.24.

[56] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 743-45, paras. 133-39. On the first day of the month after an Auction 904 support recipient that is not the incumbent price cap carrier is authorized, the incumbent price cap carrier will be relieved of its federal high-cost ETC obligation to offer voice telephony in those specific census

(continued....)

seventh year of model-based support will maintain their obligation to provide both voice and broadband service throughout 2021 in the relevant census blocks.[57]

Transitioning Legacy Support. WCB will soon update the list of census blocks where incumbent price cap carriers will continue to receive legacy support through the disaggregated legacy high-cost support mechanism by removing the eligible census blocks that are covered by the winning bids in Attachment A.[58] In the census blocks removed from the list, incumbent price cap carriers will no longer receive legacy support beginning on the first day of the next month.[59] Separately, price cap carriers that elected to receive a seventh year of model-based support will receive such support in the relevant census blocks through 2021.[60]

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blocks to the extent the price cap carrier has not elected to receive a seventh year of model-based support in these census blocks. *Id.* at 745, para. 139. *See also December 2014 Connect America Order*, 29 FCC Rcd at 15663–71, paras. 50-70, 47 CFR § 54.201(d)(3). We will remove these census blocks as applicable from the list of census blocks where price cap carriers continue to have the federal high-cost ETC obligation to provide voice service. The "List of Census Blocks Subject to Federal High-Cost Voice Obligations" is available at https://www.fcc.gov/encyclopedia/price-cap-resources.

[57] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 740-43, 745, paras. 126-132, 139. *See Wireline Competition Bureau Authorizes all Eligible Price Cap Carriers to Receive a Seventh Year of Connect America Fund Phase II Model-Based Support*, WC Docket No. 10-90, Public Notice, 35 FCC Rcd 12933, 12935-38 Attach. A (WCB 2020) (providing a list of the states where price cap carriers have been authorized to receive a seventh year of model-based support).

[58] *Connect America Fund et al.*, WC Docket No. 10-90, Report and Order, 34 FCC Rcd 807, 809-12, paras. 9-16 (2019). Incumbent price cap carriers were also given the option of declining legacy support in each state that they serve. *See Wireline Competition Bureau Announces Universal Service Support Amounts Offered to Price Cap Carriers and Fixed Competitive Eligible Telecommunications Carriers after Authorization of Connect America Phase II Auction Support*, Public Notice, 34 FCC Rcd 1296 (WCB 2019).

[59] *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 738-40 (stating that price cap carriers will no longer receive legacy support for the census blocks where Auction 904 support is authorized beginning on the first day of the month after the Auction 904 support is authorized for those census blocks).

[60] *Id.* at 741, para. 129.

Auction 904 Information General Auction Information, Process, and Procedures	**Office of Economics and Analytics, Auctions Division** (717) 338-2868
Post-Auction Rules, Policies, and Regulations	**Rural Broadband Auctions Task Force** Michael Janson, (202) 418-0627 Kirk Burgee, (202) 418-1599 Jonathan McCormack, (202) 418-1065 Audra Hale-Maddox, (202) 418-0794 **Office of Economics and Analytics, Auctions Division** (202) 418-0660
Small Businesses Additional information for small and disadvantaged businesses	**Office of Communications Business Opportunities** (202) 418-0990 http://www.fcc.gov/ocbo/
Accessible Formats Braille, large print, electronic files, or audio format for people with disabilities	**Consumer and Governmental Affairs Bureau** (202) 418-0530 fcc504@fcc.gov
FCC Internet Sites	http://www.fcc.gov https://www.fcc.gov/auction/904

This Public Notice contains the following Attachment:

Attachment A: Authorized Long-Form Applicants and Winning Bids

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