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VIA U.S. MAIL & EMAIL
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Washington Utilities and Transportation Commission
P.O Box 47250
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Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop, SE
Lacey, WA 98503

RE: Opposition to Starlink Services, LLC's Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support

Docket No.: UT-210059

Dear Mr. Johnson and Washington Utilities and Transportation Commission:

Petrichor Broadband, LLC writes to object to Starlink Services, LLC's ("Starlink") Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support (the "Application") pending under the Utility and Transportation Commission's ("Commission") Docket No. UT-210059. In order to approve Starlink as an eligible telecommunications carrier ("ETC"), the Commission must find (among other factors) that Starlink's Application meets the requirements of WAC 480-123-030 and its designation as an ETC would be in the public interest. WAC 480-123-040. Starlink fails to meet both of these standards and the Commission should therefore deny the Application.

Starlink seeks approval as an ETC so it can obtain federal funds designed to improve broadband availability to unserved and underserved locations in rural Washington awarded under the Federal Communication Commission's ("FCC") Rural Digital Opportunity Fund ("RDOF") auction. As discussed in more detail below, Starlink's proposal includes satellite delivery of broadband internet access while relying on the existing aging and failing public switched telephone network ("PSTN") for delivery of required voice and public safety services. This proposal fails to accomplish the goals of RDOF, fails to meet Washington State's own broadband speed goals, and relies on (rather than improves or replaces) the existing aging PSTN in Washington's underserved rural communities. The Commission should not award the ETC designation to Starlink allowing it to utilize RDOF funds for ends which will not serve the public interest.

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Under WAC 480-123-030(1)(b) and (c), Starlink must include a description of how it will offer services supported by federal universal service support mechanisms within the requested designation area. The entirety of Starlink's public¹ Application on its ability to provide voice telephony services states:

Pursuant to 47 C.F.R. § 54.101(a)(1) and (b), Starlink Services will provide voice telephony services, including: (a) voice-grade access to the public switched telephone network ("PSTN") or its functional equivalent; (b) minutes of use for local service provided at no additional charge to end users; (c) access to emergency services; and (d) toll limitation services to qualifying low-income consumers in accordance with 47 C.F.R. §§ 54.500, *et. seq.* Starlink Services will offer voice services on a standalone basis at rates that are reasonably comparable to urban rates.

Application at Pgs. 9-10. Starlink's reliance on the existing PSTN to provide voice services and public safety services is flawed and not in the public interest. The underlying purpose of the FCC RDOF program is to push investment into underserved rural areas where the existing PSTNs are fifty (50) plus year old degraded and failing copper wires. Starlink's use of the RDOF funding to pay for its existing satellite constellation (which already covers all of Washington)² fails to put any of the RDOF funds into modernizing and improving the aging rural PSTNs. If approved as an ETC, Starlink will force its voice services back onto the PSTNs, and the copper plant that needs to be replaced with future-proof infrastructure will not receive any investment out of the Eighty Million Dollar (\$80,000,000) subsidy awarded to Starlink for use in Washington State.

Similarly, Starlink's application fails to detail how it will achieve other criteria required by WAC 480-123-030(1)(c). By way of example only, the Application merely states "Starlink Services will satisfy...[the requirement to provide access to emergency services] by providing 911 and E911 for all of its customers, to the extent local governments in its Service Areas have implemented 911 and E911." Application at Pgs. 11-12. A similarly vague statement is included for the requirement to provide Lifeline to qualifying low-income consumers. Application at Pg. 13. These vague statements do not explain how Starlink will provide emergency or Lifeline services, as required by the applicable WAC.

WAC 480-123-030(1)(d) requires Starlink to provide a substantive plan of the investments to be made with initial federal support during the first two years of receiving those funds. Starlink's Application includes no substantive plans, but rather relies on vague statements that it will "provide services to more people faster" if it obtains the RDOF funding and uses buzzwords like "dynamically steerable" which provide absolutely no substantive discussion at all. Again, to the extent more detailed discussions may (or may not) be included in Starlink's "confidential" submission, such details are meaningless where the public is denied the opportunity to assess and comment on the feasibility or adequacy of those plans (if they even exist).

¹ Petrichor understands Starlink provided a separate, allegedly confidential, submission to the Commission which may include detailed plans not included in the public Application. This is a significant concern as it deprives the public of an opportunity to assess and comment on the technical feasibility or adequacy of any plans set forth in the "confidential" submission.

² Application at Page 7, Figure 1.

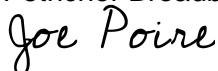
On a related note, Starlink's Application reveals that Starlink will not use the RDOF subsidy to improve Washington's broadband infrastructure. Starlink claims that it will use the RDOF funds to increase and accelerate satellite production; however, the Application concedes that Washington was fully covered by satellites in the third-quarter of 2020. Application at Pg. 7, Figure 1 and Pg. 15. Rather than subsidizing future technological investment and expansion in rural Washington, as intended by RDOF, Starlink will instead utilize the RDOF funds to offset costs it already incurred for technology that fails to address the aging terrestrial infrastructure needing replacement.

Not only will Starlink rely on, rather than replace, aging copper PSTN infrastructure, but its broadband technology does not meet future expected broadband speed needs or even the State's stated goal of 140 Mbps symmetrical service. Starlink's satellite technology is capable of only 100 Mbps maximum speeds, less than the State's goals and far less than anticipated needs in 2030 (1 Gbps) and beyond. See Petrichor Broadband's March 17, 2021 comment letter to the Federal Communications Commission, enclosed herewith. It is against public interest to subsidize Starlink's satellite infrastructure when that infrastructure cannot meet the State's broadband speed goals, let alone future broadband needs. While Starlink may be a valuable option in the marketplace, it should not be authorized as an ETC for the purpose of receiving RDOF funds as Starlink's use of those funds will not be in the public's interest.

For the above stated reasons, Starlink's Application fails to satisfy the approval requirements of WAC 480-123-040 and the Commission, respectfully, must deny the Application.

Sincerely,

Petrichor Broadband, LLC



Joe Poire
Executive Director