

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF

CENTURYLINK COMMUNICATIONS, LLC
PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER (ETC)

DOCKET NO. _____

**PETITION OF CENTURYLINK
COMMUNICATIONS, LLC
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

I Pursuant to Washington Administrative Code (“WAC”) 480-123-030 through 040 and Section 214(e)(2) of the Communications Act of 1934, as amended (“Act”), as well as the rules of the Federal Communications Commission (“FCC”),¹ CenturyLink Communications, LLC (“CCL” or “Petitioner”) hereby submits this Petition for designation as an Eligible Telecommunications Carrier (“ETC”) in selected census blocks outside areas where its affiliates currently are ETCs.² CCL respectfully requests that this Commission issue an order designating CCL as an ETC in Washington no later than June 1, 2021,³ or order any other relief on a timely basis as may be appropriate. In support of this Petition, CCL states as follows:

¹ 47 U.S.C. § 214(e)(2). 47 C.F.R §§ 54.201 and 54.202.

² Petitioner’s incumbent local exchange company (“ILEC”) affiliates, namely Qwest Corporation d/b/a CenturyLink, United Telephone Company of the Northwest d/b/a CenturyLink, CenturyTel of Cowiche d/b/a CenturyLink, and CenturyTel of Washington and CenturyTel of Inter Island d/b/a CenturyLink (collectively, “CenturyLink ILECs”) are designated as ETCs in Washington. As addressed more fully below, this Petition involves areas outside the service territory served by these ILEC affiliates of Petitioner.

³ This date is requested given the FCC’s date of June 7, 2021 for state commission action on ETC requests.

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2 CCL’s ultimate parent, Lumen Technologies, Inc. (f/k/a as CenturyLink, Inc.) (hereinafter “CenturyLink/Lumen”),⁴ was selected as a winning bidder in some of the census blocks available in Washington under the FCC’s Rural Digital Opportunity Fund Phase I Auction (Auction 904) (hereinafter “RDOF Auction”).⁵ CenturyLink/Lumen assigned the winning bids to its certificated affiliates in Washington for implementation of the RDOF bids. Many of those affiliates, the CenturyLink ILECs, are local exchange carriers and ETCs in Washington, and most of the RDOF census blocks won by CenturyLink/Lumen in Washington fall within their authorized service areas. Attached as Exhibit A is a map illustrating all areas in Washington relevant to the CenturyLink/Lumen RDOF winning bids.⁶

3 Some of the RDOF Census Blocks won by CenturyLink/Lumen and assigned to the CenturyLink ILECs, however, fall outside of the authorized service areas for these affiliates. The 95 incremental RDOF Census Blocks (“Incremental CBs”) are listed in Exhibit B. While Petitioner is certificated in the Incremental CBs it presently is not a designated ETC in Washington in these areas. Accordingly, CCL files to obtain ETC designation for these Incremental CBs.⁷

⁴ On September 14, 2020, CenturyLink, Inc., the ultimate parent of Petitioner announced the launch of its “Lumen” brand. Effective September 18, 2020, the stock of CenturyLink, Inc. began trading under the symbol “LUMN.” On January 22, 2021, CenturyLink, Inc. formally changed its name to Lumen Technologies, Inc. As a result, CenturyLink, Inc. is now referred to as “Lumen Technologies,” or simply “Lumen.”

⁵ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced*, AU Docket No. 20-34, Public Notice, 35 FCC Rcd 13888 DA No. 20-1422 (OEA/WCB rel. Dec. 7, 2020) (“*Auction 904 Results Notice*”). See, <https://docs.fcc.gov/public/attachments/DA-20-1422A1.pdf>

⁶ The RDOF Census Blocks within the service territory of CenturyLink as denoted on Exhibit A are only for context and illustration purposes and are not subject to this Petition.

⁷ To the extent some of these incremental census blocks may fall both inside and outside the CenturyLink ILEC service area, this Petition addresses solely the portion outside of the CenturyLink service area. Similarly, if any of these incremental census blocks nominally include area inside the service area of an incumbent local exchange carrier subject to federal rate-of-return regulation, those areas were specifically excluded from the

4 Section 214(e)(2) of the Act authorizes the Commission to designate Petitioner as an ETC if it meets the requirements of 47 U.S.C. § 214(e)(1). WAC 480-123-040 provides:

The commission will approve a petition for designation as an ETC if the petition meets the requirements of WAC [480-123-030](#), the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.

5 CCL is authorized to provide local exchange and interexchange services in Washington pursuant to Registration granted by the Commission. Pursuant to statute and Commission Registration, CCL is authorized to serve in the Incremental CBs.

6 As addressed in more detail below and as certified in the attached affidavit, CCL meets the requirements for ETC designation for purposes of the FCC's RDOF. CCL respectfully requests that the Commission designate it as an ETC in the Incremental CBs for the limited purpose of fulfilling obligations pursuant to the RDOF.

I. BACKGROUND

7 CCL is a Delaware limited liability company with principal offices located at 100 CenturyLink Drive, Monroe, Louisiana, 71203. CCL is an indirect, wholly owned subsidiary of CenturyLink/Lumen. Lumen provides high-quality voice and data services to enterprise, government, wholesale, and carrier customers over its IP-based network through its wholly owned indirect subsidiaries, including the Petitioner.

8 In Washington, CCL has been certified to provide local exchange and interexchange services pursuant to Registration granted by the Commission.⁸

RDOF Auction and are not relevant here. *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order, FCC 20-5, 35 FCC Red 686 (2020) ¶ 12.

⁸ In 1994, the Commission authorized the registration of Southern Pacific Telecommunications Company (SP Telecom) in Docket No. UT-940120. In 1999 in Docket No. UT-940120, Qwest Communications Company

- 9 The FCC’s RDOF program accelerates the deployment of high-speed fixed broadband service in America. Phase 1 of the RDOF program is being implemented with a focus on areas that are wholly unserved under the FCC’s 25/3 Mbps standard for fixed broadband applicable to the RDOF Phase 1 recipients. The FCC has authorized RDOF support to companies, like CenturyLink/Lumen, that commit to enable and maintain voice and broadband service meeting the FCC’s requirements to all locations (homes and small businesses) within the Incremental CBs for the life of the program.
- 10 In Washington, CenturyLink/Lumen was the winner in the RDOF Auction for areas with funding of approximately \$4.58 million annually over 10 years.⁹ CenturyLink was assigned those winning bids and has filed the required Long-Form Application (attached as Confidential Exhibit D) with the FCC.¹⁰ If approved, RDOF funding will begin to be disbursed for these areas in January 2022.
- 11 Pursuant to Section 214(e)(2) of the Act, a “State commission shall on its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission.”¹¹ Section 214(e)(1) of the Act in pertinent part provides:

A common carrier designated as an eligible telecommunications carrier . . . shall be eligible to receive universal service support in accordance with section 254 and shall, throughout the service

f/k/a Southern Pacific Telecommunications Company was authorized by the Commission to amend its registration authority as a telecommunications company. In 2009 in Docket No. UT-090022, Qwest Communications Corporation changed its name to Qwest Communications Company, LLC. In Docket UT-111320 in 2011 Qwest Communications Company, LLC changed its name to CenturyLink QCC. In 2014 in Docket No. UT-140142, CenturyLink QCC changed its name to CenturyLink Communications, LLC.

⁹ See, *Auction 904 Results Notice*, Attachment A: “Winning Bidders Summary” at page 6 of 30. The link for Attachment A is as follows: <https://docs.fcc.gov/public/attachments/DA-20-1422A2.pdf>.

¹⁰ See generally, *FCC Form 683 Instructions*, OMB Control No. 3060-1256, “*Divide Winning Bids*” process.

¹¹ 47 U.S.C. § 214(e)(2).

area for which the designation is received –

(A) offer the services that are supported by the Federal universal service support mechanism under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the service offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefore using media of general distribution.

II. PETITIONER MEETS THE REQUIREMENTS FOR ETC CERTIFICATION

- 12** CCL meets the requirements for ETC designation for purposes of the FCC’s RDOF program.
- 13** CCL is a common carrier, as defined under the Act,¹² and plans to offer the services stipulated by RDOF in the Incremental CBs under section 254(c), either using its own facilities or a combination of CCL’s own facilities and resale of another carrier’s or affiliate’s facilities and services. As certified by the attached Affidavit, CCL also plans to advertise the availability of such services and the charges using media of general distribution.
- 14** Pursuant to Section 54.101 of the FCC’s rules, eligible voice telephony services include voice grade access to the PSTN or its functional equivalent.¹³ For RDOF Phase I support recipients, the FCC also defines the supported service as qualifying voice service and conditions grant of funding on the offering of qualifying broadband service.

¹² A “common carrier” is defined as “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]” 47 U.S.C. § 153(10).

¹³ 47 C.F.R. § 54.101(a).

- 15** For RDOF purposes, Petitioner itself or through facilities and services of another carrier/affiliate, will provide voice service on a stand-alone basis in the Incremental CBs consistent with the FCC’s high-cost universal service support rules applicable to it. Petitioner primarily will be provisioning voice telephony, where requested by a customer, using Voice-over-Internet Protocol (“VoIP”) technology. Petitioner’s telephony voice service will include access to emergency services (including 911 or E911 where available) in the locations listed in Exhibit B.¹⁴
- 16** Petitioner will offer Lifeline discounts to qualifying low-income consumers in the Incremental CBs consistent with the FCC’s Lifeline rules.¹⁵ Petitioner, through its affiliates, has substantial experience in providing Lifeline voice services to low-income consumers. Petitioner will rely upon teams at Lumen who have familiarity with these programs.
- 17** As certified in the attached Affidavit, Petitioner itself or in conjunction with an affiliate, will advertise the availability of its Lifeline service offerings in the Incremental CBs using media reasonably designed to reach those likely to qualify for the service(s).
- 18** As for broadband service, RDOF support will enable the extension of gigabit per second broadband Internet access services to customers within the boundaries of the Census Blocks identified on Exhibit B.

¹⁴ Petitioner and its affiliates respectfully reserve all rights, claims and defenses relating to non-jurisdictional technologies that may be used to provision services under the RDOF Auction. Any reference to or use of such technologies herein should not be construed as a waiver of any rights, claims, and defenses that may be asserted in the future.

¹⁵ See, 47 C.F.R. §§ 54.101(c), 54.805-54.806.

- 19** Petitioner meets all applicable federal and state requirements for designation as an ETC in Washington, including 47 U.S.C. § 214(e), 47 C.F.R. §§ 54.201 *et seq.*, and WAC 480-123-030.
- 20** Approval of CCL’s request for ETC designation in the Incremental CBs will allow CCL, either directly or through its affiliates, to bring voice and broadband Internet access services to consumers in the Incremental CBs, thus advancing the goals of universal service under the FCC’s RDOF program.
- 21** Designating CCL as an ETC will permit it to use RDOF funding for its intended purpose in the Incremental CBs, directly advancing the goals of the RDOF program and universal service. For the reasons set forth herein, granting ETC status to CCL for the Incremental CBs, as identified in Exhibit B, is in the public interest.

III. PETITIONER MEETS THE STATE REQUIREMENTS FOR ETC DESIGNATION

- 22** WAC 480-123-040 states that the Commission “will approve a petition for designation as an ETC if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.” As explained below, CCL meets all the requirements of WAC 480-123-030 as follows:
- a) In satisfaction of WAC 480-123-030(a), CCL identifies the area for which designation is sought in the State of Washington as described in Exhibit B.
 - b) In satisfaction of WAC 480-123-030(1)(b), CCL will offer the services supported by federal universal service support mechanisms using its own facilities or a combination of its own facilities and resale of another carrier's services.

- c) In satisfaction of WAC 480-123-030(1)(c), CCL refers the Commission to its tariffs and price lists on file with the Commission.
- d) In satisfaction of WAC 480-123-030(1)(d), CCL restates its comments in Paragraphs 13-18 above.
- e) In satisfaction of WAC 480-123-030(1)(e), CCL states that it will advertise the availability of services supported by federal universal service mechanisms in the Incremental Census Blocks for which ETC status is sought, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts.
- f) CCL is not subject to WAC 480-123-030(1)(f) which pertains only to providers of commercial mobile radio service (“CMRS”).
- g) In satisfaction of WAC 480-123-030(1)(g) is CCL and its affiliates’ long history of providing service in the state of Washington. CCL and its affiliates utilize central offices equipped with automatic start generators with three hours' reserve battery capacity and for central offices without automatic start generators, a minimum of five hours' reserve battery capacity at each Central Office in Washington State to remain functional in an emergency. CCL and its affiliates install and maintain testing apparatus and monitoring systems (WAC 480-120-411).
- h) In satisfaction of WAC 480-123-030(1)(h), CCL commits to abide by all applicable consumer protection and service quality standards of chapter 480-120.
- i) CCL provides herein, as Exhibit C, the supporting Declaration of G. Clay Bailey, certifying the information in this petition (WAC 480-123-030(2)).
- j) CCL will fully comply with the annual certification requirements adopted by the Commission in WAC 480-123-060, 480-123-070, and 480-123-080, including

requesting certification by July 1st each year, certifying that federal high-cost support is used as intended, and reporting the following information on an annual basis with respect to the Designated Service Area:

- i. Use of federal funds and benefits to customers;
- ii. Local service outages;
- iii. The number and details of unfulfilled service requests;
- iv. Complaints per one thousand connections;
- v. Certification of compliance with applicable service quality standards and consumer protection rules;
- vi. Certification of ability to function in emergency situations;
- vii. Advertising certification, including advertisement on any Indian reservations within the Designated Service Area.

IV. COMMUNICATIONS AND CORRESPONDENCE

23 Pleadings, orders, notices or other correspondence and communications regarding this Petition should be provided to:

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V. REQUESTED RELIEF AND TIMING

24 CenturyLink/Lumen must demonstrate to the FCC that it or an affiliate has been designated as an ETC in each of the census blocks where CenturyLink/Lumen was the winning bidder in the RDOF Auction. The FCC's deadline for such documentation is June 7, 2021.²³

25 Accordingly, CCL respectfully requests that the Commission issue an order approving this Petition by no later than June 1, 2021.

VI. CONCLUSION

26 WHEREFORE, for the reasons stated herein, Petitioner CCL respectfully requests that the Commission designate CCL as an ETC in the Incremental CBs identified in Exhibit B by no later than June 1, 2021 and order such other relief as may be appropriate.

Respectfully submitted this 1st day of March 2021.

CENTURYLINK



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