

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PIONEER TELEPHONE COMPANY,

Requesting distribution of funds from the
state universal communications services
program created in RCW 80.36.650

DOCKET UT-230622

ORDER 01

GRANTING DISTRIBUTION OF
FUNDS FROM THE STATE
UNIVERSAL COMMUNICATIONS
SERVICES PROGRAM

BACKGROUND

- 1 On May 13, 2019, the Governor signed Second Substitute Senate Bill (SSSB) 5511, which addresses broadband service issues by: (a) creating the Governor’s State Broadband Office, (b) establishing a broadband grant and loan program administered by the Public Works Board, (c) revising the conditions in which a port district can offer telecommunication services, and (d) extending and revising the purpose of the State Universal Communications Services Program (State USF Program or Program).¹ The State USF Program is primarily intended to provide direct financial support to Washington’s small incumbent Class B Telephone companies that have adopted a plan to provide, enhance, and maintain broadband services in high-cost rural areas of Washington.²
- 2 The Washington Utilities and Transportation Commission (Commission) is allotted \$5 million for the 2024 program year,³ and it may distribute the \$5 million (less the Commission’s administrative costs) to qualifying companies before June 30, 2024.⁴

¹ RCW 80.36.650(1) provides that “The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission and the provision, enhancement, and maintenance of broadband services, recognizing that, historically, the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.”

² The legislation described above in (a) through (d) creates other opportunities for broadband expansion in addition to this program.

³ This is the tenth and final year of the program. *See In re Amending WAC 480-123*, Docket UT-190437, Gen. Order R-598, (May 27, 2020) (General Order R-598)

⁴ RCW 80.36.650(2) allows that if less than five million dollars is expended in any fiscal year, the unexpended portion *must be carried over* to subsequent fiscal years and be available for program

3 On May 27, 2020, the Commission entered General Order R-598 (Adoption Order) in
Docket UT-190437 amending and adopting rules in Chapter 480-123 WAC to
reconfigure the State USF Program in accordance with SSSB 5511.⁵

4 Paragraph 14 of the Adoption Order states that an “[e]ligible provider may now receive a
distribution from the Program if they have adopted a plan to provide, enhance, or
maintain broadband services in their service areas.” The Adoption Order and the rule that
it adopted establish four different eligibility criteria.⁶ To receive a distribution, a provider
must meet at least one of those eligibility requirements and also comply with the
prerequisites in WAC 480-123-100.⁷

5 A company, accordingly, must include in its petition a broadband plan for maintaining,
providing, or enhancing broadband service within the provider’s service area.⁸ It must
also provide one of the following:

expenditures. This fiscal year, \$6,078,083 *is available* for distribution from the State USF
Program.

⁵ The Adoption Order established minimum standards of 25 megabits per second download and 3
megabits per second upload (25/3 Mbps) for service to be considered high-speed broadband for
the purpose of the State USF Program.

⁶ General Order R-598 at 4-7 ¶¶ 16-22; WAC 480-123-110(1)(j)(i)-(iv).

⁷ WAC 480-123-100 sets forth various criteria for requesting program support for wireline,
wireless, and other communications providers. Wireline communications providers must: (a) be
local exchange companies that serve fewer than 40,000 access lines within the state, (b) be an
incumbent local exchange carrier, (c) offer basic residential and business telecommunications
services, (d) have an established plan to provide, maintain, or enhance broadband service, and (e)
be designated by the Commission as an ETC for the purposes of receiving federal universal
service support.

⁸ To the extent applicable, a company’s broadband plan to provide, maintain or enhance service
should include:

- (i) A multiyear investment plan;
- (ii) Specific project(s) that are projected to provide or enhance broadband services at
speeds required by the Commission or the Federal Communications Commission. Project
information should include an estimated timeline, geographic location, number of
locations passed, and upload and download speeds;
- (iii) A plan for maintenance of broadband services in the provider’s service area;
- (iv) A description for how the provider will enhance broadband services in its service
area; and

- 1) An unsworn statement made by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the Commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements. Additionally, a provider that elects to petition the program for support under this category is subject to review of its rate of return and financial reporting requirements;
- 2) An unsworn statement by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the Commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements;
- 3) An unsworn statement by a company officer certifying that the provider has already met the Federal Communications Commission's total deployment obligations associated with federal high-cost program support as of the date of the petition, and that, since January 1, 2018, the provider has deployed broadband to the number of locations the Commission has determined by order. If a company has deployed broadband to a number of locations less than the number required by Commission order, the company must certify that it will deploy broadband to the remaining number of locations; or
- 4) An unsworn statement by a company officer certifying that broadband service is available to 100 percent of locations within the provider's service area, and that the company commits to making broadband service available to any new locations.

6 On June 26, 2023, Pioneer Telephone Company (Pioneer or Company) filed its State USF compliance report, and filed a revised report on August 24, 2023.⁹ In the report, Pioneer states that it is in the process of converting subscribers from copper to fiber and converted 91 locations in 2022. Over the last fiscal year, the company continued

(v) Any supporting information that the Commission requests to assist its review and analysis of the provider's broadband plan.

⁹ Pioneer's revised compliance report revised language concerning broadband availability data and voice and broadband subscription data.

repairing and maintaining the current infrastructure while also making payments on the outstanding payable that was used to help fund the FTTP construction. The company continues to invest in resources that will maintain and enhance voice and broadband services, including but not limited to: FCC mandatory performance testing equipment, computer and SIP equipment related to robocalling mitigation, and ongoing plant under construction. In the first six months of 2023, the company converted an additional 52 costumers to fiber. Based on Commission Staff's (Staff) review and conversations with the company, Staff believes the report meets the requirements of WAC 480-123-130.

7 Pioneer filed its initial petition seeking State USF support under eligibility criterion three on July 31, 2023, and it filed a revised broadband plan on October 18, 2023. In its Broadband Plan, the Company states that it completed converting existing subscribers from copper to fiber and 25/3 Mbps is available to nearly all of the locations within its study area. The company has met its goal and has increased its maximum broadband speed from 25/3 Mbps up to 100/50 Mbps and has the ability to increase speeds in the future. The Broadband Plan also provides an estimate of the repair and maintenance expenses (i.e., plant specific costs for outside plant and central office equipment, land, building and vehicle expenses) necessary to maintain the current level of service. The company continues making payments on the outstanding loan that was used to complete the FTTP project.

8 Staff reviewed Pioneer's Petition, supporting exhibits, including a broadband plan, and has determined that the Company meets the prerequisites for requesting program support set forth in WAC 480-123-100 and the third eligibility criterion. Overall, Staff finds that Pioneer certified its commitment to deploy broadband services to the number of locations in the Adoption Order,¹⁰ in addition to any locations required by the Federal Communications Commission (FCC). Furthermore, the Company provided a broadband plan to enhance broadband services to areas it does not currently serve 25/3 Mbps. Staff recommends the Commission find the Company eligible for State USF Program support in the amount of \$149,271 to be disbursed no later than December 31, 2023.

¹⁰ Each company has a specific UTC Deployment Obligation based on its cost benchmark and the amount of anticipated support each company is potentially eligible to receive through June 30, 2024. For these calculations, Staff calculated that \$4,850,000 would be available annually for fiscal years 2022-2024.

DISCUSSION AND DECISION

9 We agree with Staff that Pioneer has demonstrated its eligibility for a distribution from
the State USF Program for fiscal year ending June 30, 2024.

10 The Company has certified it meets the FCC's total deployment obligations associated
with federal high-cost support as of the date of the petition and that since January 1,
2018, it deployed broadband to the locations stated in the Adoption Order. Furthermore,
Pioneer has provided a broadband plan to maintain current services while continuing to
deploy broadband service throughout their service area. Furthermore, the Company has
shown in its compliance report the ability to provide and maintain services. Pioneer
committed in its petition to deploy broadband services, continue maintenance, and
enhance its services.

11 We find that a distribution in the amount of \$149,271 from the State USF Program is in
the public interest, consistent with the purposes underlying the regulation and applicable
statutes, and should be granted.

FINDINGS AND CONCLUSIONS

12 (1) The Commission is an agency of the State of Washington vested by statute with
the authority to regulate public service companies, including local exchange
companies.

13 (2) Pioneer is a local exchange company as defined in WAC 480-120-021 and a
public service company subject to Commission jurisdiction.

14 (3) Pioneer has certified it meets the FCC's total deployment obligations associated
with federal high-cost support as of the date of the petition and that since January
1, 2018, it deployed broadband services to the number of locations required by the
Commission's Adoption Order in Docket UT-190437.

15 (4) Pioneer has provided a broadband plan to maintain current services while
continuing to deploy broadband service throughout their service area.

16 (5) Pioneer is eligible to receive funding from the State USF Program in the amount
of \$149,271 to be disbursed no later than December 31, 2023.

ORDER

THE COMMISSION ORDERS:

- 17* (1) Pioneer Telephone Company's request for funds from the State USF Program for fiscal year ending June 30, 2024, in the amount of \$149,271 is granted.
- 18* (2) The funds will be disbursed by December 31, 2023.
- 19* (3) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective November 22, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner