

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

NW FIBER, LLC

For Designation as an Eligible  
Telecommunications Carrier in the State  
of Washington Pursuant to 47 U.S.C. §  
214(e)(2)

DOCKET UT-210101

ORDER 01

GRANTING ELIGIBLE  
TELECOMMUNICATIONS  
CARRIER DESIGNATION  
FOR THE PURPOSE OF  
RECEIVING SUPPORT FROM THE  
FEDERAL RURAL DIGITAL  
OPPORTUNITY FUND

**BACKGROUND**

1 On February 16, 2021, NW Fiber, LLC (NW Fiber or Company) filed a petition (Petition) with the Washington Utilities and Transportation Commission (Commission) requesting designation as an Eligible Telecommunications Carrier (ETC) in select census blocks in Whitman county in the state of Washington under 47 U.S.C. § 214(e)(2), applicable rules of the Federal Communications Commission (FCC), and Chapter 480-123 Washington Administrative Code (WAC), for the purposes of receiving federal Rural Digital Opportunity Fund (RDOF) support.<sup>1</sup> NW Fiber proposes to provide voice and broadband service, including Lifeline service, to Washington consumers in 1,057 locations identified by the FCC as unserved by broadband service at speeds less than 25 Mbps up and 3 Mbps down. ETC designation would allow the Company to receive federal universal service support through the FCC's RDOF program for service to these locations.

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<sup>1</sup> See *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order, 35 FCC Rcd 686, ¶ 2 (released Feb. 7, 2020) (*RDOF Order*), clarified on reconsideration by *Rural Digital Opportunity Fund Auction (Auction 904); Rural Digital Opportunity Fund; Connect America Fund*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, FCC 20-127, Order on Reconsideration (released Sept. 29, 2020).

2 On March 24, 2021, NW Fiber filed its FCC long-form application that address the Company's RDOF investment plans. On April 2, 2021, the Company amended its petition to include a substantive investment plan, a part of which is contained within the long-form application, and to modify its proposed service area to include only those census blocks where the Company will receive RDOF support.

3 NW Fiber requested designation as an ETC throughout 242 census blocks, identified in its amended Petition at Exhibit A, where the Company will operate as a winning bidder in the FCC's RDOF Phase I reverse auction. In its Petition, NW Fiber committed to offer voice and broadband services throughout its designated service area either using its own facilities or a combination of its own facilities and resale of another carrier's services. NW Fiber has also committed to make Lifeline services available to low-income consumers and will advertise all supported services throughout its service area.

4 In response to Commission Staff's (Staff's) request, NW Fiber provided its initial plan of investments. These investments will enable the Company to begin deployment of the supported services. NW Fiber has committed to meeting the deployment milestones established for the RDOF program. The Company will offer commercially at least one voice and one broadband service meeting the relevant service requirements to the required number of locations within the timeframe required by the RDOF rules.

5 Based on its bid, NW Fiber must meet the gigabit performance tier standard.<sup>2</sup> NW Fiber is committed to providing internet and voice services by deploying fiber to the home via Gigabit Passive Optical Network (GPON) architecture. NW Fiber will utilize this established technology to provide broadband at speeds of 1,000 Mbps downstream and 500 Mbps upstream with latency of less than 100 milliseconds, as required by NW Fiber's winning "Gigabit" performance tier bid. The company plans to offer two terabytes of monthly usage. Although specific rates for services in RDOF locations are still in development, NW Fiber commits to setting the rates of services at or below the FCC's reasonable comparability benchmark for voice and broadband services.

6 The Company has demonstrated its ability to remain functional in emergency situations and has stated that it will comply with the applicable consumer protection and service quality standards of the Commission in Chapter 480-120 WAC.

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<sup>2</sup> See 47 C.F.R. § 54.805(b).

7 Staff recommends that the Commission grant NW Fiber’s amended Petition for designation as an ETC in the identified census blocks in Whitman county for the purpose of receiving RDOF support.

### DISCUSSION AND DECISION

8 Common carriers designated as ETCs under 47 U.S.C. § 214 are eligible to receive federal universal service support. State utility commissions are responsible for designating common carriers as ETCs for the purpose of receiving such funds.<sup>3</sup> The Commission will approve the petition of a carrier requesting ETC designation if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.<sup>4</sup>

9 State commissions are authorized to designate a carrier as an ETC for a service area that the state commission designates if the carrier meets the following two requirements of 47 U.S.C. § 214(e)(1) throughout the service area:

- A. Offer the services that are supported by federal universal service support mechanisms 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 services offered by another eligible telecommunications carrier); and
- B. Advertise the availability of such services and the charges therefor using media of general distribution.

10 The FCC has established the definition of services supported by federal universal support mechanisms in 47 C.F.R. § 54.101(a).<sup>5</sup> In addition to providing these services, ETCs must comply with all other relevant federal universal service rules in 47 C.F.R. Part 54. Carriers seeking RDOF support must meet the FCC RDOF requirements at 47 C.F.R. Part 54, Subpart J.

11 We agree with Staff that NW Fiber is capable of providing the services supported by federal universal support mechanisms including the RDOF. NW Fiber’s amended

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<sup>3</sup>47 U.S.C. § 214(e)(2).

<sup>4</sup> WAC 480-123-040.

<sup>5</sup> See 47 U.S.C. § 254(c)(1).

Petition, supplemented by the Company's long-form application, meets the Commission's requirements for ETC petitions in Chapter 480-123 WAC, and is consistent with RDOF and other federal requirements. Designation of NW Fiber as an ETC will serve the public interest by making voice and broadband available to Washingtonians who currently lack high-speed broadband service.

### FINDINGS AND CONCLUSIONS

- 12 (1) The Commission has jurisdiction over the subject matter of this order and is authorized to designate Eligible Telecommunications Carriers in Washington under 47 U.S.C. § 214(e)(2), 47 C.F.R. §54.201(b)–(c), RCW 80.36.610, and Chapter 480-123 WAC.
- 13 (2) NW Fiber is a telecommunications company doing business in the state of Washington and registered with the Commission.
- 14 (3) NW Fiber meets the requirements under 47 U.S.C. § 214(e)(1) for designation as an ETC because it will offer and advertise the services supported by federal universal service support throughout its ETC service area.
- 15 (4) NW Fiber's designation as an ETC will advance the purposes of universal service found in 47 U.S.C. § 254 because the Company will offer voice telephony, broadband, and Lifeline services, consistent with the FCC's universal service requirements, to locations identified by the FCC as unserved by broadband service at speeds less than 25 Mbps up and 3 Mbps down, which will facilitate universal service.
- 16 (5) Designating NW Fiber as an ETC is in the public interest because the Company has demonstrated it will meet RDOF program service requirements, which will make high-speed Internet service available to Washington consumers in 1,057 locations. Because NW Fiber holds a winning bid in the RDOF auction at the "gigabit" tier, designating the Company as an ETC will result in the availability of broadband service at speeds of at least 1,000 Mbps down and 500 Mbps up for Washington consumers who currently have no access to broadband or who have Internet access only at speeds of less than 25 Mbps up and 3 Mbps down.
- 17 (6) NW Fiber's Petition meets the requirements of the Commission's ETC rules in Chapter 480-123 WAC.

- 18 (7) The census blocks in Exhibit A to the amended Petition comprise an appropriate ETC service area because NW Fiber holds the winning bid for those census blocks following the FCC's RDOF Phase I reverse auction.
- 19 (8) This matter came before the Commission at its regularly scheduled meeting on May 20, 2021.

**ORDER**

**THE COMMISSION ORDERS:**

- 20 (1) NW Fiber, LLC's petition for designation as an ETC is hereby GRANTED, for the census blocks set forth in Exhibit A to the amended Petition.
- 21 (2) The Commission retains jurisdiction over this matter for purposes of effectuating this order.

DATED at Lacey, Washington, and effective May 20, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner