

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

DOCKET UT-210167

CABLE ONE VOIP LLC, d/b/a
SPARKLIGHT

ORDER 01

For Designation as an Eligible
Telecommunications Carrier in the State
of Washington for the Purpose of
Receiving Support from the Federal Rural
Digital Opportunity Fund

GRANTING ELIGIBLE
TELECOMMUNICATIONS
CARRIER DESIGNATION

BACKGROUND

1 On March 12, 2021, Cable One VoIP LLC, d/b/a Sparklight (Cable One 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 Asotin 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 purpose of receiving federal Rural Digital Opportunity Fund (RDOF) support.¹ Cable One proposes to provide voice and broadband service, including Lifeline service, to Washington consumers in four 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.

¹ *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 April 21, 2021, Cable One filed an amended petition. In both the initial and the
amended petitions the Company filed its long-form information as an exhibit in order to
address Cable One's substantive investment plan under the RDOF program.

3 Cable One requested designation as an ETC throughout two census blocks, identified in
its Petition at Exhibit 1, where the Company will operate as a winning bidder in the
FCC's RDOF Phase I reverse auction. In its Petition, Cable One 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.
Cable One 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, Cable One provided its initial plan of
investments. These investments will enable the Company to begin deployment of the
supported services. Cable One 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, Cable One must meet the Gigabit performance tier standard.² The
Company will use a combination of its own facilities and its parent's facilities to offer the
supported services in the designated service area. The Company will provide the
supported services over a fixed, facilities-based network, using the existing facilities of
its parent, as well as new network facilities that will be deployed in the future, including a
combination of aerial and underground cable.

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

7 Staff recommends that the Commission grant Cable One's Petition for designation as an
ETC in the identified census blocks in Asotin county for the purpose of receiving RDOF
support.

² See 47 C.F.R. § 54.805(b).

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.³ 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.⁴

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).⁵ 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 Cable One is capable of providing the services supported by federal universal support mechanisms including the RDOF. Cable One's 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 Cable One as an ETC will serve the public

³ 47 U.S.C. § 214(e)(2).

⁴ WAC 480-123-040.

⁵ See 47 U.S.C. § 254(c)(1).

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) Cable One is a telecommunications company doing business in the state of Washington and registered with the Commission.
- 14 (3) Cable One 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) Cable One’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 Cable One 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 four locations. Because Cable One 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) Cable One’s Petition meets the requirements of the Commission’s ETC rules in Chapter 480-123 WAC.

- 18 (7) The census blocks in Exhibit 1 to the Petition comprise an appropriate ETC service area because Cable One 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) Cable One VoIP LLC d/b/a Sparklight's petition for designation as an ETC is hereby GRANTED, for the census blocks set forth in Exhibit 1 to the 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