



WITHERSPOON · KELLEY

Attorneys & Counselors

SPOKANE | COEUR D'ALENE

CHRISTOPHER G. VARALLO  
Admitted in Washington, Idaho and Oregon  
[cgv@witherspoonkelley.com](mailto:cgv@witherspoonkelley.com)

January 4, 2021

**VIA E-FILING PORTAL**

Washington Utilities and Transportation Commission  
Attn: Records Department  
621 Woodland Square Loop SE  
Lacey, WA 98503

***RE: Columbia Energy, LLC – Petition for Designation as  
Eligible Telecommunications Carrier***

Dear Sir or Madam:

This firm represents Columbia Energy, LLC, with regard to its Petition for Designation as an Eligible Telecommunications Carrier (the "Petition") which is electronically filed herewith. Should you have any questions or concerns regarding the Petition, please do not hesitate to contact the undersigned.

Very truly yours,

WITHERSPOON · KELLEY

By:

CHRISTOPHER G. VARALLO

CGV:tme  
Enclosure

cc: Stanley M. Schwartz  
Client

S2144406.DOCX

Received  
Records Management  
01/04/21 16:37  
State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

**BEFORE THE  
WASHINGTON UTILITIES & TRANSPORTATION COMMISSION**

In the Matter of

Petition of Columbia Energy, LLC as an Eligible  
Telecommunications Carrier

Docket No. \_\_\_\_\_

PETITION OF COLUMBIA ENERGY, LLC  
FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER TO  
ELIGIBLE TELECOMMUNICATIONS  
CARRIER

**PETITION OF COLUMBIA ENERGY, LLC FOR CONDITIONAL DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Columbia Energy, LLC ("Columbia") respectfully submits this Petition for designation as an Eligible Telecommunications Carrier ("ETC") to the Washington Utilities and Transportation Commission ("Commission") pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934 (the "Act"), 47 C.F.R. part 54, subpart C of the rules of the Federal Communications Commission ("FCC"), and WAC § 480-123-030 through 040. Columbia seeks designation throughout Columbia, Walla Walla and Umatilla counties (specifically Census Block Group 530719201001) (the "Designated Service Area"), for the purpose of receiving federal support for deploying voice and broadband services in rural areas from the FCC's Rural Digital Opportunity Fund Phase I Auction (Auction 904) (the "Auction"). In the Public Notice issued upon the close of the Auction on December 7, 2020 (hereinafter the "*Auction Results Notice*"), the FCC identified Columbia as a winning bidder. However, Columbia's receipt of the support is conditioned upon Columbia obtaining designation as an ETC for the Designated Service Area. A copy of the Auction Results Notice is attached hereto as **Exhibit A**, (see page 18 of 30 – NRTC Phase 1 RDOF Consortium).

Section 214(e)(2) of the United States Code expressly authorizes the Commission to designate a company that meets the requirements of 47 U.S.C. § 214(e)(1) – such as Columbia – as an ETC. *See also* 47 C.F.R. § 54.201(b) (authorizing a state commission to designate a common carrier that meets the requirements of 47 C.F.R. § 54.201(d) as an ETC); 47 U.S.C. § 254(f) (authorizing states to adopt regulations not inconsistent with FCC rules to preserve and advance universal service). Moreover, the Washington State administrative code requires 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.” WAC 480-123-040. As demonstrated in this Petition, Columbia meets all state and federal requirements for ETC designation, and, as shown by the description herein of Columbia’s planned voice and broadband deployment projects, designating Columbia as an ETC in the proposed area would advance the goals of universal service and is in the public interest.

In support of this Petition, Columbia states as follows:

## **I. BACKGROUND**

Columbia is a Washington limited liability company headquartered in Walla Walla, Washington. Columbia has been registered with the Washington Secretary of State since 2001, UBI Number 602-122-903. Columbia is a wholly owned subsidiary of Columbia Rural Electric Association, Inc., and has provided voice and Internet service in Central Washington since 2001. Columbia provides broadband via fiber-to-the-home (FTTH) and has successfully deployed fixed solutions to provide broadband and VoIP services to unserved and underserved parts of Central Washington since 2016, at prices comparable to or below urban rates.

Columbia knows rural communities and what is required to keep these communities productive and growing using internet-related communications. For almost twenty years,

Columbia has understood rural Washingtonians' internet needs for everything from operating farms to working and schooling from home, and has continuously focused its efforts on meeting those needs. Since 2016, Columbia has built over 40 wireless sites serving fixed wireless to homes, added large distances of fiber to Central Washington, and completed Active E – FTTH (Fiber-To-The-Home) projects to meet the needs of Washington residents. Columbia has the experience and the ability to dispatch, monitor, repair, promote, and advertise all types of wireless internet equipment, from its numerous wireless sites to its more recent and widely-promoted FTTH projects.

Columbia also deploys consumer broadband over publicly built fiber networks to additional customers outside its primary service area. In addition to Walla Walla and Columbia Counties in Washington, Columbia serves Umatilla County in Oregon. Altogether, Columbia currently serves over 1500 residential and business customers over a variety of technology platforms. In providing customers with voice and broadband connectivity, Columbia also employs about 5 people in Washington State.

Columbia's address and telephone number are set forth below:

Attn: Bob Greene  
Manager of Communications and Information Technology  
Columbia REA  
2929 Melrose St.  
Walla Walla, WA 99362 (509) 526-1025  
[bgreene@columbiarea.coop](mailto:bgreene@columbiarea.coop)

Columbia's counsel in this matter is:

Stanley M. Schwartz  
Christopher G Varallo  
Witherspoon Kelley  
422 W. Riverside Suite 1100  
Spokane, WA 99201  
(509)624-5265  
[sms@witherspoonkelley.com](mailto:sms@witherspoonkelley.com)  
[cgv@witherspoonkelley.com](mailto:cgv@witherspoonkelley.com)

## **II. COLUMBIA MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION**

Columbia has already been identified as a winner of the Auction. Further, Columbia meets all applicable requirements for ETC designation as established under Washington law, federal law, and the rules of the FCC, including WAC 480-123-030, 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201 *et seq.*

### **A. Columbia Meets All State Requirements For ETC Designation**

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.” Columbia meets every requirement of WAC 480-123-030 as follows:

- a) In satisfaction of WAC 480-123-030(1)(a), Columbia identifies the area for which designation is sought as the State of Washington, Columbia, and Walla Walla counties (specifically Census Block Group 530719201001) (the “Designated Service Area”).
- b) In satisfaction of WAC 480-123-030(1)(b), Columbia will offer the services supported by federal universal service support mechanisms throughout the Designated Service Area using its own facilities or a combination of its own facilities and Northwest Open Access Network (“NoaNet”). NoaNet is a not-for-profit wholesale telecommunications mutual corporation that has been serving Washington State since 2000. Columbia has a Master Services Agreement for Communication and Transport Services with NoaNet (dated October 28, 2011).

- c) In satisfaction of WAC 480-123-030(1)(c), Columbia describes herein how each supported service will be provided, including a thorough description of its deployment plans and service plans, which are discussed in greater detail below.
- d) In satisfaction of WAC 480-123-030(1)(d), Columbia directs the Commission to Section D below, which describes the voice and broadband deployments that Columbia plans to carry out using the funds from the Auction, and which constitutes a substantive investment plan of how support will be spent to benefit customers.
- e) In satisfaction of WAC 480-123-030(1)(e), Columbia will advertise the availability of services through local advertising and outreach, in conjunction with marketing with Columbia Rural Electric Association, Inc. ("CERA"), Columbia plans to advertise its services on its website, through local media and other community outlets.
- f) Columbia is not subject to WAC 480-123-030(1)(f), which pertains only to providers of commercial mobile radio service with cell sites.
- g) In satisfaction of WAC 480-123-030(1)(g), Columbia is able to remain functional in emergencies and complies with WAC 480-120-411, as described herein, including by maintaining at least five hours back up battery power and backup mobile generators that can be deployed at any site in Washington State along with connection to NoaNet services and facilities via agreement.
- h) In satisfaction of WAC 480-123-030(1)(h), Columbia commits to abide by all applicable consumer protection and service quality standards of chapter 480-120 WAC. Presently, Columbia (along with Columbia REA) employs customer service

representatives who are available and capable of addressing the terms of service, rates/charges, disputes and other matters.

- i) Columbia provides herein, as **Exhibit B**, the supporting Declaration of Scott Peters certifying the information in this Petition (WAC 480-123-030(2)).
- j) Columbia 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.

To the extent Columbia has filed a report with the FCC or another federal agency that provides data requested by the Commission, Columbia reserves the right to refer the Commission to such reports already filed with the federal agency, as expressly allowed by WAC 480-123-070(8).

**B. Columbia Meets All Federal Requirements For ETC Designation.**

Columbia also meets all criteria for designation as an ETC under federal law, including those in 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201 *et seq.* In particular:

- 1) Columbia is a common carrier (see 47 U.S.C. § 214(e)(1); 47 U.S.C. § 153(11); 47 C.F.R. § 54.201(d); 47 C.F.R. § 54.5);
- 2) As required by 47 C.F.R. § 54.101(b), Columbia will offer the Voice Telephone services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a)(1) using its own facilities or a combination of its own facilities and resale of another carrier's services (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)), including the following services:
  - a. Voice grade access to the public switched network or its functional equivalent;
  - b. Minutes of use for local service at no additional charge to end users;
  - c. Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and
  - d. Toll limitation services to qualifying low-income consumers as provided in subpart E of 47 C.F.R. Part 54;
- 3) As described in greater detail below, Columbia will make available service to qualifying low-income consumers (47 C.F.R. § 54.405(a));
- 4) Columbia will also publicize the availability of service in a manner reasonably designed to reach those likely to qualify for the service (47 C.F.R. § 54.405(b));



- 5) Columbia will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), namely through a combination of media, such as advertising via television, radio, newspapers, magazines or other print advertisements, outdoor advertising, direct marketing, or the Internet;
- 6) Columbia will provide the supported services throughout the Designated Service Area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)); and
- 7) Columbia certifies that, in accordance with 47 U.S.C. § 254(e), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

**C. Columbia Will Provide Service to Qualifying Low-Income Consumers**

Upon designation as an ETC, Columbia will make a discounted service offering that meets all applicable requirements available to qualified low-income consumers. Columbia will advertise the availability of services supported by federal universal service mechanisms in a manner reasonably calculated to reach qualified low-income consumers not receiving discounts.

**D. Columbia Will Deploy the Funds from the Auction to Advance the Public Interest**

With the funds from the Auction, Columbia will expand to increase its services to the Designated Service Area through a phased approach of FTTH that has been used in other FTTH deployments in the United States. These services will provide for 1Gbps downstream and 1Gbps upstream. Columbia will further continue to offer its VoIP service which provides for voice and phone service using third party providers that have the capability and capacity to port numbers or provide new numbers as necessary for these services. Finally, Columbia will continue to monitor these connections, increase bandwidth as necessary, and provide reporting or other necessities to meet or exceed the required standards for service. These actions will promote the availability of

voice and internet services in rural communities and ensure that these communities have access to what the state and federal government consider to be modern internet speeds.

### **III. DESIGNATION OF COLUMBIA AS AN ETC IS IN THE PUBLIC INTEREST**

Pursuant to WAC 480-123-040, 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.” 47 U.S.C. § 214(e)(2) requires that designation be “in the public interest” only where multiple ETCs are designated for areas served by a rural telephone company, and otherwise requires only that designation meet the lower threshold of being “consistent with the public interest.” Section 214(e)(2) states:

A State commission shall upon 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. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

Granting Columbia’s petition will serve the public interest through the deployment of broadband and voice services to unserved and underserved high-cost areas in Washington State, supporting investment in facilities and equipment, and expanding the number of competitive providers serving rural areas in Washington. Designation of Columbia as an ETC will permit Columbia to receive Auction funds, directly advancing the goals of the FCC’s Auction. The resulting deployments will bring expanded voice and broadband connectivity to rural areas in Washington, helping to ensure that residents of Washington are not left on the wrong side of the

digital divide, and expanding economic opportunity for communities that will benefit from increased connectivity.

By selecting Columbia as a recipient of Auction funds, the FCC has recognized that the voice and broadband services that Columbia proposes to deploy with the funds would advance the goal of the Auction, and thereby advance the goals of universal service. That is, the FCC has itself determined that Columbia's proposal has merit and would advance the public interest that the Auction is designed to serve. Because designating Columbia as an ETC will allow it to use the funds as intended to expand voice and broadband service in Washington, designation of Columbia as an ETC is plainly in the public interest.

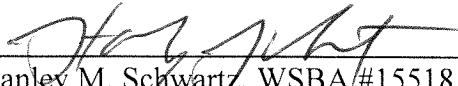
#### IV. CONCLUSION

For the reasons stated herein, Columbia respectfully requests that the Commission expeditiously: (i) designate Columbia as an ETC in the Designated Service Area, (ii) send the appropriate notice of the Order designating Columbia as an ETC for the Designated Service Area to the FCC and the Universal Service Administrative Columbia; and (iii) order such other relief as may be appropriate.

Dated this 4<sup>th</sup> day of January, 2021.

Respectfully submitted,

WITHERSPOON • KELLEY

  
\_\_\_\_\_  
Stanley M. Schwartz, WSBA #15518  
Christopher G. Varallo, WSBA #29410  
[sms@witherspoonkelley.com](mailto:sms@witherspoonkelley.com)  
[cgv@witherspoonkelley.com](mailto:cgv@witherspoonkelley.com)  
422 W. Riverside Avenue, Suite 1100  
Spokane, Washington 99201-0300  
Phone: (509) 624-5265  
Fax: (509) 458-2728  
*Attorneys for Columbia Energy, LLC*

## **LIST OF EXHIBITS**

Exhibit A – FCC Public Notice issued December 7, 2020

Exhibit B – Declaration of Scott Peters

**EXHIBIT A**

FCC PUBLIC NOTICE DATED DECEMBER 7, 2020

## FCC Rural Digital Opportunity Fund Phase I Auction

Auction ID: 904

## Winning Bidder Summary

(Sorted by Bidder Name)

Date of Report: 12/07/2020 08:17 AM ET



Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
4-Corners Consortium	0029719283	New Mexico	\$ 2,598,030.00	635
AB Indiana LLC	0021994686	Florida	\$ 668,304.10	261
ACT	0029754652	Mississippi	\$ 1,622,136.00	925
Albion Telephone Company, Inc.	0003714805	Utah	\$ 599,795.70	141
All West Communications, Inc.	0004924809	Wyoming	\$ 46,648.00	218
Allen's T.V. Cable Service, Inc.	0003746898	Louisiana	\$ 371,348.10	620
Alice USA, Inc.	0025637406	Arkansas	\$ 58,415.00	528
Alice USA, Inc.	0025637406	Idaho	\$ 10,556.00	140
Alice USA, Inc.	0025637406	Kentucky	\$ 351,065.00	1,734
Alice USA, Inc.	0025637406	Louisiana	\$ 303,952.00	2,267
Alice USA, Inc.	0025637406	Texas	\$ 364.00	15
Alice USA, Inc.	0025637406	West Virginia	\$ 125,528.00	536
American Heartland	0002594190	Iowa	\$ 1,821,520.00	1,549
AMG Technology Investment Group LLC	0021701891	Illinois	\$ 193,098,839.90	68,921
AMG Technology Investment Group LLC	0021701891	Indiana	\$ 18,947,203.50	11,803
AMG Technology Investment Group LLC	0021701891	Iowa	\$ 112,637,885.70	36,228

**FCC Rural Digital Opportunity Fund Phase I Auction**

**Auction ID: 904**

**Winning Bidder Summary**

(Sorted by Bidder Name)

Date of Report: 12/07/2020 08:17 AM ET



Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
NMSURF, Inc.	0018795427	New Mexico	\$ 26,964.00	212
Northeast Missouri Rural Telephone Company	0004337044	Missouri	\$ 60,126.00	7
Northern Arapaho Tribal Industries	0020993077	Wyoming	\$ 7,799,035.00	2,408
Nova Cablevision, Inc	0004962015	Illinois	\$ 785,400.00	155
NRTC Phase I RDOF Consortium	0018539916	Alabama	\$ 169,652.90	3,042
NRTC Phase I RDOF Consortium	0018539916	Georgia	\$ 9,925,188.20	7,420
NRTC Phase I RDOF Consortium	0018539916	Indiana	\$ 19,791,000.70	30,318
NRTC Phase I RDOF Consortium	0018539916	Iowa	\$ 356,440.10	305
NRTC Phase I RDOF Consortium	0018539916	Louisiana	\$ 1,283,546.30	652
NRTC Phase I RDOF Consortium	0018539916	Michigan	\$ 59,402,901.70	44,534
NRTC Phase I RDOF Consortium	0018539916	Mississippi	\$ 32,399,695.30	14,222
NRTC Phase I RDOF Consortium	0018539916	Missouri	\$ 1,682,687.60	644
NRTC Phase I RDOF Consortium	0018539916	New Hampshire	\$ 6,884,633.60	7,663
NRTC Phase I RDOF Consortium	0018539916	Oregon	\$ 2,210,256.20	1,720
NRTC Phase I RDOF Consortium	0018539916	South Carolina	\$ 45,666.00	34
NRTC Phase I RDOF Consortium	0018539916	Vermont	\$ 9,559,117.70	6,875
NRTC Phase I RDOF Consortium	0018539916	Virginia	\$ 11,878,740.80	7,670
NRTC Phase I RDOF Consortium	0018539916	Washington	\$ 1,125,151.10	236

**FCC Rural Digital Opportunity Fund Phase I Auction**

**Auction ID: 904**

**Winning Bidder Summary**

(Sorted by Bidder Name)

**Date of Report: 12/07/2020 08:17 AM ET**



Bidder	FRN	State	Assigned Support over 10 Years	Number of Locations Assigned
Wisper-CABO 904 Consortium	0029745213	Washington	\$ 5,118.00	4
Wood County Telephone Company d/b/a Solarus	0003744141	Wisconsin	\$ 28,848.00	15
Worldwide Technologies, Inc.	0018998831	Missouri	\$ 700,874.20	496
WTC Communications, Inc.	0003766680	Kansas	\$ 40,845.20	174
XIT Telecommunication & Technology	0001650233	Texas	\$ 43,254.50	464
yondoo Broadband LLC	0027576503	Missouri	\$ 54,833.80	110
Yucca Telecommunications Systems, Inc.	0004320362	New Mexico	\$ 26,221.00	19
Zito West Holding, LLC	0027133545	Pennsylvania	\$ 457,596.00	279
<b>TOTAL</b>			<b>\$ 9,230,688,714.90</b>	<b>5,220,833</b>



**EXHIBIT B**

DECLARATION OF SCOTT PETERS

**BEFORE THE  
WASHINGTON UTILITIES & TRANSPORTATION COMMISSION**

In the Matter of  
  
Petition of Columbia Energy, LLC as an  
Eligible Telecommunications Carrier

Docket No. \_\_\_\_\_

DECLARATION OF SCOTT  
PETERS

**DECLARATION OF SCOTT PETERS**

I, the undersigned, Scott Peters, do hereby declare under penalty of perjury as follows:

1. I am the Chief Executive Officer of Columbia Energy, LLC ("Columbia"), a Washington limited liability company with its headquarters at 2929 Melrose St, Walla Walla, WA 99362.

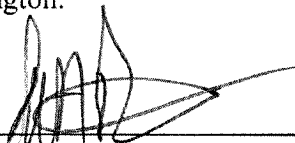
2. This Declaration is submitted in support of the Petition of Columbia Energy, LLC for Designation as an Eligible Telecommunications Carrier to Eligible Telecommunications Carrier (the "Petition").

3. I have reviewed the Petition and that the facts stated therein are true and correct to the best of my knowledge.

4. To the best of my knowledge, Columbia, including all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) of Columbia, are not subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed January 4, 2021 at Walla Walla, Washington.

  
\_\_\_\_\_  
Scott Peters