

**BEFORE THE
WASHINGTON UTILITIES & TRANSPORTATION COMMISSION**

PETITION OF COMMENT WIRELESS, LLC)
FOR DESIGNATION AS AN ELIGIBLE) Docket No.
TELECOMMUNICATIONS CARRIER)

**PETITION OF COMMENT WIRELESS, LLC
FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIER**

Comment Wireless, LLC ("Commnet") 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. Commnet seeks ETC designation in Clallam, Kittitas and San Juan counties - specifically Census Block Groups 530090006001, 530379751001, 530559603002, 530559603004 and 530559605001- (the "Designated Service Area"), for the purpose of receiving federal high cost universal service support awarded via the Rural Digital Opportunity Fund Phase I Auction to deploy voice and broadband services to eligible locations within those Census Block Groups. Although Commnet has been identified as a winning bidder, Commnet's receipt of the support is conditioned upon it obtaining designation as an ETC for the Designated Service Area.

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 Commnet as an ETC. 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, Comment meets all state and federal requirements for ETC designation, and designating Comment 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, Comment states as follows:

1. BACKGROUND

Comment is a wholly-owned subsidiary of ATN International, Inc., a publicly traded corporation headquartered in Beverly, Massachusetts. Comment provides voice and broadband service in rural area principally in areas with a population of 2500 or less. Comment operates facilities based networks in 11 states. Comment provides mobile voice and broadband services as well as fixed broadband services over those facilities on both a wholesale and retail basis. Comment is presently designated and operates as an ETC in certain areas of Arizona, Colorado, Montana, New Mexico, Nevada, Utah and Wyoming. Comment has experience participating in federal universal service programs and is/has been a recipient of frozen high cost support, mobility fund support, tribal mobility fund support and CAF II support.

The contact information for Applicant is as follows:

Rohan Ranaraja
Comment Wireless, LLC
1001 Technology Drive, Suite 102
Little Rock, AR 72223
501.448.1249
rranaraja@atni.com

II. COMMNET MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

As discussed in more detail below, Commnet satisfies 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. Designating Commnet as an ETC for purposes of receiving universal service funds via the RDOF program will serve the public interest by allowing Commnet to receive support to serve the areas that it is obligated to serve, thereby expanding the number of new locations that will receive coverage for the finite budget available.

A. Commnet 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." Commnet satisfies each of the requirements of WAC 480-123-030 as follows:

- i. In satisfaction of WAC 480-123-030(1)(a), Commnet identifies the area for which designation is sought as the State of Washington. The proposed "Designated Service Area" is clearly identified in Exhibit A attached hereto.
- ii. In satisfaction of WAC 480-123-030(1)(b), Commnet 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 another carriers facilities on a

limited basis.

- iii. In satisfaction of WAC 480-123-030(1)(c), Commnet describes herein how each supported service will be provided in greater detail below.
- iv. In satisfaction of WAC 480-123-030(1)(d), Commnet directs the Commission to Section D below, which describes the voice and broadband deployments that Commnet plans to carry out using the funds from the Auction.
- v. In satisfaction of WAC 480-123-030(1)(e), Commnet will advertise the availability of services including Lifeline service. Commnet plans to advertise its services on its website, through local media and other community outlets.
- vi. Commnet is not subject to WAC 480-123-030(1)(f), which pertains only to providers of commercial mobile radio service with cell sites.
- vii. In satisfaction of WAC 480-123-030(1)(g), Commnet is able to remain functional in emergencies and complies with WAC 480-120-411, as described herein, including by maintaining adequate back up battery power and/or backup mobile generators that can be deployed.
- viii. In satisfaction of WAC 480-123-030(1)(h), Commnet commits to abide by all applicable consumer protection and service quality standards of chapter 480-120 WAC. Presently, Commnet employs customer service representatives who are available and capable of addressing the terms of service, rates /charges, disputes and other matters.
- ix. Commnet provides herein, as Exhibit B, a supporting Declaration certifying the information in this Petition (WAC 480-123-030(2)).

x. Commnet commits to 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:

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

To the extent Commnet has filed a report with the FCC or another federal agency that provides the data requested by the Commission, Commnet 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. Commnet Meets All Federal Requirements For ETC Designation.

Commnet 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:

- i. Commnet 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);
- ii. As required by 47 C.F.R. § 54. 101 (b), Commnet 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:
 - Voice grade access to the public switched network or its functional equivalent;
 - Minutes of use for local service at no additional charge to end users;
 - 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
 - Toll limitation services to qualifying low-income consumers as provided in subpart E of 47 C.F.R. Part 54;
- iii. As described in greater detail below, Commnet will make available service to qualifying low-income consumers (47 C.F.R. § 54.405(a));
- iv. Commnet 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));
- v. Commnet 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 radio,

newspapers, magazines or other print advertisements, outdoor advertising, direct marketing , or the Internet ;

- vi. Commnet 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
- vii. Commnet 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. Commnet Will Provide Service to Qualifying Low-Income Consumers

Upon designation as an ETC, Commnet will make a discounted service offering that meets all applicable requirements available to qualified low-income consumers. Commnet 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. Commnet Will Deploy the Funds from the Auction to Advance the Public Interest

With the funds from the Auction, Commnet will deploy voice and broadband services to eligible locations in the Designated Service Area. Commnet plans to provide both voice and broadband service using fixed wireless technology. Commnet intends to use CBRS spectrum (PALs and GAA) and use technologies based on open industry standards, such as LTE and 5G. Commnet will use either point-to-point microwave or fiber technology (if available) to connect each site to its core network and the internet. Commnet will provide broadband service with speeds of 100 Mbps uplink and 20 Mbps downlink in compliance with its RDOF obligations. Commnet will partner with a Managed Voice Service Provider (“MVSP”) for voice services.

Commnet's current MVSP provides standalone residential voice service, standalone business voice service, hosted PBX service and SIP trunking utilizing Network Function Virtualization-based Voice over LTE (NFV based VoLTE). Finally, Commnet will continue to monitor these connections and increase bandwidth as necessary to ensure compliance with the required service standards. 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 COMMNET 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 Commnet'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 Commnet as an ETC will permit Commnet 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 Commnet as a recipient of Auction funds, the FCC has recognized that the voice and broadband services that Commnet 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 Commnet's proposal has merit and would advance the public interest that the Auction is designed to serve. Because designating Commnet as an ETC will allow it to use the funds as intended to expand voice and broadband service in Washington, designation of Commnet as an ETC is plainly in the public interest.

IV. CONCLUSION

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

may be appropriate.

Dated this 24th day of February, 2021.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Rohan Ranaraja', with a small dot at the end of the signature.

Rohan Ranaraja
Executive Director of Regulatory Affairs

LIST OF EXHIBITS

Exhibit A – Proposed ETC Designated Service Area

Exhibit B - Declaration of Tom Guthrie

EXHIBIT A

PROPOSED ETC DESIGNATED SERVICE AREA

| State | County | CENSUS BLOCK GROUP ID |
|--------------|---------------|----------------------------------|
| WA | San Juan | 530559605001 |
| WA | San Juan | 530559603004 |
| WA | San Juan | 530559603002 |
| WA | Kittitas | 530379751001 |
| WA | Clallam | 530090006001 |

EXHIBIT B


DECLARATION OF TOM GUTHRIE

DECLARATION OF TOM GUTHRIE

I, the undersigned, Tom Guthrie do hereby declare under penalty of perjury as follows:

- i. I am the Senior Vice President and General Manager of Commnet Wireless, LLC ("Commnet") and I am authorized to make this Declaration;
- ii. This Declaration is submitted in support of the Petition of Commnet Wireless, LLC for Designation as an Eligible Telecommunications Carrier the ("Petition");
- iii. I have reviewed the Petition and declare that the facts stated therein are true and correct to the best of my knowledge;
- iv. To the best of my knowledge, Commnet including all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) of Commnet, 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.
- v. I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16th day of February, 2021.


Tom Guthrie