

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CENTURYLINK COMMUNICATIONS
LLC, d/b/a LUMEN TECHNOLOGIES
GROUP

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

DOCKET UT-210139

ORDER 01

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

BACKGROUND

1 On March 1, 2021, CenturyLink Communications LLC, d/b/a Lumen Technologies Group (Lumen 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 portions of Benton, Clallam, Clark, Cowlitz, Grant, Grays Harbor, Jefferson, King, Kitsap, Lewis, Okanogan, Pacific, Pierce, San Juan, Thurston, and Yakima counties 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 Lumen proposes to provide voice and broadband service, including Lifeline service, to Washington consumers in 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

¹ 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).

the Company to receive federal universal service support through the FCC's RDOF program for service to these locations.

2 In its Petition, Lumen filed both redacted and confidential versions of its long-form information, which was already on file with the FCC, as an exhibit to its petition.

3 Lumen requested designation as an ETC throughout 95 census blocks, identified in its Petition at Exhibit B, where the Company will operate as a winning bidder in the FCC's RDOF Phase I reverse auction. In its Petition, Charter 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. Lumen has also committed to make Lifeline services available to low-income consumers and will advertise all supported services throughout its service area.

4 Lumen's affiliated incumbent local exchange carriers (ILECs) in Washington already operate as ETCs in different areas of the state. The competitive local exchange carrier (CLEC), Lumen, is requesting in this case to be designated as an ETC only in the "incremental" census block areas, where the following ILECs (which all do business as "CenturyLink") are not designated as ETCs:

- CenturyTel of Cowiche, Inc.
- CenturyTel of Inter Island, Inc.
- CenturyTel of Washington, Inc.
- Qwest Corporation (QC)
- United Telephone Company of the Northwest

5 Lumen's parent company, "Lumen Technologies, Inc. (LUMEN)," is a publicly traded company (NYSE: LUMN) and is an international facilities-based technology and communications company focused on providing business and residential customers with a broad array of integrated services.

6 Although Lumen is registered to serve throughout the state, it has never been designated as an ETC. Lumen has requested to be designated as an ETC throughout the 95 awarded census blocks where the CenturyLink ILECs are not already designated as ETCs. The incremental census blocks listed in Exhibit B to the Petition are the ETC areas that

LUMEN has assigned to its subsidiary Lumen. The map provided as Exhibit A to the Petition depicts how these six ETCs will fit together. The five CenturyLink ILECs will serve the remaining 1,075 census blocks that LUMEN won in the RDOF auction.

7 The CenturyLink ILECs (CenturyTel of Washington, CenturyTel of Inter Island, United Telephone Company of the Northwest, and Qwest Corporation dba CenturyLink QC) will continue to operate as designated ETCs within the boundaries of their respective exchange areas and will provide RDOF supported services for the RDOF census blocks contained within their boundaries as part of the overall LUMEN bid.

8 Lumen provided the LUMEN initial plan of investments in with its Petition. The plan encompasses the five ILEC ETCs as well as Lumen, and the investments will make it possible for all of the LUMEN ETCs to begin deployment of supported services. LUMEN plans to meet the deployment milestones established for the RDOF program. That is, the LUMEN ETCs will offer commercially at least one voice and one broadband service meeting the relevant service requirements to the required number of locations in the timeframe required by the RDOF rules.

9 Based on LUMEN'S bid, its ETCs must meet the Gigabit performance tier standard.² Although specific rates for RDOF services are still being developed, the company will set its rates for services at or below the FCC's reasonable comparability benchmark for voice and broadband services.

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

11 Staff recommends that the Commission grant Lumen's Petition for designation as an ETC in the identified census blocks in Benton, Clallam, Clark, Cowlitz, Grant, Grays Harbor, Jefferson, King, Kitsap, Lewis, Okanogan, Pacific, Pierce, San Juan, Thurston, and Yakima counties for the purpose of receiving RDOF support.

² See 47 C.F.R. § 54.805(b).

DISCUSSION AND DECISION

- 12 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
- 13 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.
- 14 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.
- 15 We agree with Staff that Lumen is capable of providing the services supported by federal universal support mechanisms including the RDOF. Lumen's Petition, which includes 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 Lumen as an ETC will serve the public interest by making

³47 U.S.C. § 214(e)(2).

⁴ WAC 480-123-040.

⁵ See 47 U.S.C. § 254(c)(1).

voice and broadband available to Washingtonians who currently lack high-speed broadband service.

FINDINGS AND CONCLUSIONS

- 16 (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.
- 17 (2) Lumen is a telecommunications company doing business in the state of Washington and registered with the Commission.
- 18 (3) Lumen 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.
- 19 (4) Lumen ‘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.
- 20 (5) Designating Lumen 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 locations within 95 census blocks. Because Lumen 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.
- 21 (6) Lumen’s Petition meets the requirements of the Commission’s ETC rules in Chapter 480-123 WAC.

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

ORDER

THE COMMISSION ORDERS:

- 24 (1) CenturyLink Communications LLC, d/b/a Lumen Technologies Group's petition for designation as an ETC is hereby GRANTED, for the census blocks set forth in Exhibit B to the Petition.
- 25 (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