

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CHARTER FIBERLINK WA-CCVII,
LLC

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

DOCKET UT-210008

ORDER 01

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

BACKGROUND

1 On January 6, 2021, Charter Fiberlink WA-CCVII, LLC (Charter 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 Pacific, Wahkiakum, Cowlitz, Yakima, and Benton 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 Charter proposes to provide voice and broadband service, including Lifeline service, to Washington consumers in 4,625 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 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 May 5, 2021, Charter withdrew its request for a waiver of the Commission rule requiring submission of a substantive plan for investments made with initial federal support during the first two years the Company will receive RDOF support, and filed sections of its FCC long-form application that address the Company's RDOF investment plans.
- 3 Charter requested designation as an ETC throughout 569 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. Charter 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, Charter provided its initial plan of investments. These investments will enable the Company to begin deployment of the supported services. Charter 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, Charter must meet the gigabit performance tier standard.² Charter states that it is committed to providing internet and voice services using fiber to the home via Ethernet Passive Optical Network (EPON) architecture. In the Petition, Charter explains that it utilizes this standardized and mature model across the country. The model, according to Charter, is engineered to achieve the speed of 1 Gbps downstream and 500 Mbps upstream with latency of less than 100 milliseconds, as required by the Company's winning "Gigabit" performance tier bid. The Company plans to offer two terabytes of monthly usage. Although pricing is still being developed, Charter commits to setting the price of service 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 Charter affiliates as well as Charter will comply with the applicable

² See 47 C.F.R. § 54.805(b).

consumer protection and service quality standards of the Commission in Chapter 480-120 WAC.

7 Staff recommends that the Commission grant Charter's Petition for designation as an ETC in the identified census blocks in Pacific, Wahkiakum, Cowlitz, Yakima, and Benton counties 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 USF 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.

³47 U.S.C. § 214(e)(2).

⁴ WAC 480-123-040.

⁵ See 47 U.S.C. § 254(c)(1).

11 We agree with Staff that Charter is capable of providing the services supported by federal universal support mechanisms including the RDOF. Charter'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 Charter 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) Charter is a telecommunications company doing business in the state of Washington and registered with the Commission.
- 14 (3) Charter 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) Charter'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 Charter 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 4,625 locations. Because Charter 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) Charter's Petition meets the requirements of the Commission's ETC rules in Chapter 480-123 WAC.
- 18 (7) The census blocks in Exhibit B to the Petition comprise an appropriate ETC service area because Charter 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) Charter Fiberlink WA-CCVII, LLC's petition for designation as an ETC is hereby GRANTED, for the census blocks set forth in Exhibit B 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