

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Carrier Oversight and Programs Branch**

**RESOLUTION T-17735
June 3, 2021**

R E S O L U T I O N

RESOLUTION T-17735. Grants the Request of Five Carriers that Filed for Eligible Telecommunications Carrier Designation Pursuant to the Federal Communications Commission's Rural Digital Opportunity Fund Program.

S U M M A R Y

By this Resolution, the California Public Utilities Commission (CPUC or Commission) conditionally grants the request of five applicants listed in Appendix A, for an eligible telecommunications carrier designation to obtain federal high-cost funding and provide federal Lifeline service, in the census block areas as approved by the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund program (RDOF), as indicated in Appendix B. We find that the request is reasonable and consistent with the public interest and should be granted to the extent allowed by this Resolution.

B A C K G R O U N D

Rural Digital Opportunity Fund Phase I Auction (Auction 904)

On February 7, 2020, the FCC adopted the Rural Digital Opportunity Fund (RDOF Order) to build broadband in rural and unserved/underserved communities.¹ RDOF will have a budget of about \$20.4 billion over the next ten years and will support minimum broadband speeds of 25/3 Mbps. RDOF will assign funding in two phases – Phase I will target unserved communities, and Phase II will target partially served communities.²

¹ See *In the Matter of Rural Digital Opportunity Fund, Connect America Fund*, Report and Order, WC Dkts. 19-126 & 10-90, (FCC 20-5), released February 7, 2020.

² *Id.*, p. 3.

Winning RDOF bidders must obtain an ETC designation in the state(s) where it seeks support. The FCC does not require RDOF applicants to obtain ETC designation prior to bidding but each applicant will have 150 days after the public notice announcement of the winning bidders to obtain their ETC designation.³

On December 7, 2020, the FCC issued a Public Notice announcing the winning bidders for the RDOF Phase I Auction. There were 180 winning bidders nationwide in Auction 904. The award amount totals \$9.23 billion dollars over a 10-year period, with 5,220,833 locations covering 49 states and one territory. Over 99.7% in auction 904 areas have bidders providing download speeds of at least 100 Mbps.⁴ California may receive up to \$695 million in RDOF awards, among 15 winning bidders.⁵

The FCC adopted service milestones⁶ where winning bidders must meet deployment obligations in order to receive RDOF support. Carriers must commercially offer voice and broadband services to 40% of the locations receiving RDOF support within each state, as applicable, by the end of the three-year funding cycle, and then 20% of the locations each year thereafter until reaching 100%.⁷

Advice Letters - ETC Designation Requests

Five carriers submitted requests for ETC designation via the CPUC's Advice Letter (AL) process (described below). Four of the five carriers request ETC designation to obtain federal high-cost and Lifeline support. The fifth carrier, Time Warner Cable Information Services (TWCIS), who received a Lifeline-only designation in 2014,⁸ requests designation to obtain federal high-cost and an expansion of Lifeline in the winning RDOF service areas. We address all of these requests in this Resolution.

The Commission received ALs from the following carriers:

1. Hunter Communications and Technologies, LLC (U-7281-C) AL #8, filed on January 6, 2021.
2. Charter FiberLink CA-CCO, LLC (U-6878-C) AL#175, filed on January 6, 2021.
3. Time Warner Cable Information Services, LLC (TWCIS) (U-6874-C) AL # 59, filed on January 6, 2021.
4. Cal-Ore Communications, Inc. (COM) (U-7035-C) AL #10, filed on March 1, 2021.

³ *Id.*, p. 38.

⁴ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced*, Public Notice, AU Dkt. 20-34, WC Dkts. 19-126 & 10-90, (DA 20-1422), released December 7, 2020.

⁵ *Id.*, Attachment B.

⁶ RDOF Order, paras. 45-55.

⁷ RDOF Order, para. 45.

⁸ See CPUC Decision 14-03-038.

5. Anza Electric Cooperative, Inc. (AEC) (U-7297-C) AL #11, filed on March 15, 2021.

Federal ETC Designation Requirements

In order to receive federal universal service support, an applicant must be designated as an ETC. Section 254(e) of the federal Telecommunications Act of 1996 (the Act), states that “only an eligible telecommunications carrier under section 214(e) shall be eligible to receive specific federal universal service support.”⁹

State commissions are given the primary responsibility for designating ETCs in their states. Section 214(e)(2) of the Act states that “[u]pon 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”¹⁰ so long as the requesting carrier meets the requirements of Section 214(e)(1).

Section 214(e)(1) of the Act provides that, a common carrier designated as an ETC must offer services supported by the federal Universal Service Fund (USF) throughout the designated service area either by using its own facilities, resale, or by a combination of its own facilities and resale of another carrier’s services and must advertise the services and the related charges using advertising media of general distribution throughout the designated service area.¹¹ Advertising must include the availability of federal Lifeline services in a manner reasonably designed to reach those likely to qualify for those services.

The FCC rules require that a carrier requesting ETC designation must:

1. Certify that it will comply with the service requirements applicable to the support that it receives;
2. Submit a five-year plan that describes proposed improvements or upgrades to the applicant’s network throughout its proposed service area;
3. Demonstrate its ability to remain functional in emergency situations;¹²
4. Demonstrate that it will satisfy applicable consumer and service quality standards;

⁹ 47 C.F.R. §§ 54.400 *et seq.* contains the Federal Communications Commission’s (FCC) Lifeline rules issued to implement § 254 of the Act. Section 54.401 defines Lifeline as a non-transferrable retail service offering for which qualifying low-income consumers pay a reduced charge for voice telephony service after applying the federal Lifeline support amount.

¹⁰ 47 USC § 214 (e)(2).

¹¹ 47 USC § 214 (e)(1).

¹² 47 C.F.R. § 9.20 Backup power obligations.

5. Demonstrate that it is financially and technically capable of providing the federal Lifeline service; and
6. Submit information describing the terms and conditions of any voice telephone service plans offered to federal Lifeline participants.¹³

In addition, before granting an ETC designation to a carrier, state commissions must determine that it is in the public interest to do so.

CPUC ETC Designation Requirements

A carrier seeking an ETC designation also must comply with CPUC's ETC rules. In Resolution T-17002 (May 25, 2006), the CPUC adopted *The Comprehensive Procedures and Guidelines for ETC Designation and Requirements for ETCs*, which are consistent with FCC Order 97-157¹⁴ regarding the designation of a telephone carrier as a qualified ETC. Pursuant to this Resolution, applicants seeking an ETC designation in California are required to provide the following:

1. A description of the proposed service offerings and attached service area maps;
2. A description of the advertising plan(s);
3. A statement of commitment to provide service;
4. A two-year service quality improvement plan;
5. A showing of the ability to remain functional in emergency situations;
6. A statement of commitment to consumer protection;
7. Demonstration that a carrier's usage plan is comparable to that of the incumbent LEC in the proposed service area; and
8. A public interest determination.

A carrier seeking Federal High-Cost support must also comply with Resolution T-17002, Appendix B, Sections I and II, and file an advice letter with the CPUC on an annual basis.

In addition to Resolution T-17002 ETC designation rules, carriers requesting an ETC designation must also comply with General Order (GO) 153 Lifeline rules, and CPUC User Fee and surcharge obligations. The CPUC User Fee is levied on all telecommunications carriers providing services directly to customers and the amount of fees is a percentage calculation based on all intrastate customer billings for telecommunications services. All telecommunications carriers and Voice over Internet Protocol (VoIP) providers are also required to collect and remit public purpose program

¹³ 47 C.F.R. § 54.202(a).

¹⁴ See *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt. 96-45 (FCC 97-157), released May 8, 1997.

surcharges from end-users. These surcharges fund the CPUC's universal service programs.

If the Commission, subsequently, (i.e., after this Resolution) alters the rules related to the receipt and/or maintenance of an ETC designation in a successor Commission decision(s), the Commission can choose, at that time, to maintain the ETC related provisions adopted in this Resolution or to rely upon the new ETC related rules.

Notice/Protests

The Carriers served their AL filing via email to all parties on the ETC service list. No protests were filed.

DISCUSSION

This Resolution adopts Staff's recommendation of approving the five carrier requests for ETC designation to offer federal High-Cost and federal Lifeline in the winning areas of the RDOF 904 auction. ETC designation is contingent upon each carrier receiving authorization from the FCC on final approval of the RDOF award. Staff finds that each of the carriers satisfies the federal and state ETC designation requirements.

RDOF Phase I Auction Awards¹⁵

- 1. Hunter Communications** – This company will receive \$5,475,648 over a ten-year period in RDOF awards to serve 1,620 locations within 93 CBs in California. The company will offer Fiber to the Premises (FTTP) at gigabit speeds and provide Voice over Internet Protocol (VoIP) services.
- 2. Charter FiberLink and Time Warner Cable Information Services (TWCIS)** – Both these companies are subsidiaries of CCO Holdings, LLC, the winning bidder of RDOF. TWCIS is the lead operating company working with Charter Fiberlink on building out broadband infrastructure in the RDOF winning service areas.¹⁶ Both carriers will receive a total of \$231,835 combined, over a ten-year period in RDOF awards to serve 1,045 locations within 112 CBs in California. Of the total 1,045 locations, 521 will be served by Charter FiberLink and the remaining 524 locations will be served by TWCIS. Both companies will offer FTTP at gigabit speeds and provide VoIP services.
- 3. Anza Electric Cooperative** – This company will receive \$819,773 over a ten-year period in RDOF awards to serve 1,552 locations within 243 Census Blocks (CBs)

¹⁵ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced*, Public Notice, AU Dkt. 20-34, WC Dkts. 19-126 & 10-90, (DA 20-1422), released December 7, 2020, Attachment A.

¹⁶ See TWCIS AL#59 & Charter FiberLink AL#175.

in California. The company will offer FFTP at gigabit speeds and provide VoIP services.

- 4. Cal-Ore Communications** – This company will receive \$1,063,513 over a ten-year period in RDOF awards to serve 235 locations within 40 CBs in California. The company will offer FFTP at gigabit speeds and provide VoIP services.

Compliance with the Federal and State ETC Requirements

All five carriers must satisfy all federal and state ETC requirements in order to receive an ETC designation. Each of the carriers met the following federal and state ETC requirements:

Demonstration that the services intended to be offered to comply with the voice telephony definition – Pursuant to 47 U.S.C. § 214(e)(1) and (6), each of the five carriers submit that on a common carrier basis, it will provide the functional equivalent of voice-grade calls using VoIP technology through its own facilities-based network/infrastructure or a combination of its own facilities and resale of another carrier's services. Each carrier will offer residential VoIP telephony services with at least unlimited local calling and E911 service. See each carrier's respective websites for additional details on calling features.

Advertise using media of general distribution – All RDOF recipients must advertise the availability of voice and broadband services throughout the entire service areas.¹⁷

Accordingly, Hunter Communications explains that it will advertise its rates, charges, terms, and conditions throughout its entire area using media of general distribution. The company will also work with relevant state agencies, community-based organizations, and non-profits as part of its advertising efforts.¹⁸

Both Charter FiberLink and TWCIS will advertise the availability of their service offerings using media of general distribution.¹⁹

COM states it will advertise its offerings using media of general distribution, including print, radio, direct mail, and direct sales.²⁰

AEC explains in its AL that it intends to advertise throughout the entire service areas utilizing social media, direct mail, radio, local newspapers, community events, and its own website.²¹

¹⁷ See RDOF Order, para. 54.

¹⁸ Hunter Communications AL#8, p. 5.

¹⁹ TWCIS AL#59, p.13 and CharterFiberlink AL# 175, p.13.

²⁰ COM AL#10 p. 5.

²¹ AEC AL#11 p.2

Commitment to provide supported service throughout the designated service area – Each carrier commits to provide service to all requesting customers within the areas that it is designated an ETC based on its own network facilities.

However, the availability of service is contingent on the progress of the construction schedule. The carriers are committed to the service milestones as determined and required by the RDOF program.²²

Demonstration of ability to remain functional²³ – All the carriers indicated that they have the ability to remain functional in emergency situations. Hunter Communications will have backup and redundancy in its' network to reroute traffic around damaged facilities and manage traffic spikes.²⁴

Charter FiberLink and TWCIS have generators and battery backup at all headends and hubs in California. Facilities are also designed with redundancies and require less human interaction to remain functional during an emergency. Both companies will employ the same model of backup to RDOF service areas.²⁵

COM established an emergency response plan for use in emergency situations. All primary network operations will have battery backup, generators, and redundancy. COM will also apply the same emergency response procedures to its RDOF service areas.²⁶

AEC's network is backed up with batteries and generators, capable of providing up to 8 hours of backup in case of a power outage. Customers may purchase additional backup to extend the duration to 24 hours.²⁷

Demonstration of financial and technical capability – All five carriers are financially and technically capable of providing their proposed broadband Internet access and VoIP telephony services. Staff reviewed submitted financial statements, including balance sheets and income statements. Staff also concluded that all five carriers had revenues from other sources and are established carriers with previous telecommunications experience.

Commitment to meet public interest requirements for the proposed service areas – All five carriers state that receiving the ETC designation will serve the public interest by bringing high-speed broadband and voice services to unserved/underserved areas as identified by the RDOF. The funds will enable

²² See RDOF Order, paras. 45-55.

²³ See D.21-02-029.

²⁴ Hunter Communications AL#8, p. 6.

²⁵ TWCIS AL#59, pgs. 11, & 14-15.

²⁶ COM AL#10 p. 5.

²⁷ AEC data request response to Staff, dated July 24, 2020.

carriers to expand their network into those high-cost areas and increase universal service.

All carriers will offer all eligible locations access to gigabit broadband services and VoIP services.

Commitment to satisfy all applicable consumer protection and service quality standards – All five carriers will comply with all applicable state and federal consumer protection and service quality standards, according to their applications.

The FCC will provide oversight of the projects whereby bidders are subject to penalties or forfeiture. RDOF requires all bidders to provide service to 100% of eligible locations by the end of the sixth or eighth-year construction deadline, depending on the number of locations.²⁸

Compliance with Commission User Fee and Surcharge Obligations

Staff has verified that each of the carriers is current with their payment of the annual CPUC User Fees and Public Purpose Program (PPP) surcharges. All the carriers are required to continue to remain current with their payments after receiving ETC designation. Failure to comply with these requirements may lead to enforcement action including, but not limited to, revocation of their CPCN operating authority, and/or authority to operate as an ETC in California.

Future Changes to Designated Service Areas and to Federal Lifeline Supported Services

All five carriers request ETC designation to provide broadband and VoIP services to high-cost unserved/underserved areas and qualifying low-income households in the areas approved by RDOF.

As a federal high-cost and Lifeline provider, each carrier is authorized to provide fixed broadband services and federal Lifeline VoIP services in the service areas as approved by the RDOF. However, regarding future changes that each carrier may want to make to their service areas in California, the company is required to file a Tier 2 advice letter that includes, supporting FCC documents (if pursuant to an FCC program/fund); a description of the areas to be served; a list of the geographic service areas; shapefile maps, and proposed service area(s) in excel format.

Carriers shall also file a Tier 2 Advice Letter for any future changes to their federal Lifeline supported service plans.

²⁸ See RDOF Order paras. 45-55.

FCC's National Lifeline Eligibility Verifier (National Verifier)

Starting December 18, 2020, the FCC's National Verifier will be responsible for eligibility verification for all new subscribers of standalone Lifeline broadband service.²⁹ Carriers participating in the federal only Lifeline program must ask the Universal Service Administrator Company and/or the FCC's Wireline Competition Bureau's Telecommunications Access Policy Division prior to offering federal Lifeline supported services how they need to interact with or use the National Verifier.

Public Interest Determination

Before recommending the designation of a carrier as an ETC, Staff must determine that doing so would be in the public interest of California consumers.³⁰ Designating the five carriers as ETCs will serve the public interest and the needs of unserved/underserved customers and low-income households in California. High-cost unserved/underserved areas will have access to high-speed broadband and VoIP telephony services.

The companies will adhere to the RDOF program rules to build high-speed broadband infrastructure and begin commercially offering services to 40% of their locations by the end of the third-year buildout period.³¹ Therefore, Staff finds that each of the carriers meets the criteria for public interest determination including providing the benefits of high-speed broadband and expeditious deployment of communications services to all Californians located in the RDOF areas.

Price Analysis

After comparing plan pricing with the FCC's criteria for ETCs subject to broadband public interest obligations, Staff finds that the pricing plans proposed by each of the carriers are reasonable.³² Cal-Ore Communications did not finalize rates for broadband Internet Access at the time of filing but commits to pricing the services according to the FCC's Urban Rate Survey. Charter Fiberlink and TWCIS states that plan pricing will be similar to non-RDOF areas and did not provide specific pricing information.³³

The chart below summarizes each of the RDOF carrier's proposed retail service offerings:

²⁹ See *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in California*, Public Notice, WC Dkt. 11-42, (DA 20-1372), Released November 18, 2020.

³⁰ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Dkt 96-45 (FCC 05-46), released Mar 17, 2005 ¶ 40 and CPUC Resolution T-17002, *Appendix A, Section II-G: Public Interest Determination*.

³¹ See RDOF Order, para. 45.

³² <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources> (website last visited 3/12/2021).

³³ See www.spectrum.com

Broadband Internet Access/VoIP Pricing – Residential

	Anza Electric	Cal-Ore Communications	Hunter Communications	Charter FiberLink/TWCIS
<u>Speed (Down/Up)</u>	<u>Price (Monthly)</u>	<u>Price (Monthly)</u>	<u>Price (Monthly)</u>	<u>Price (Monthly)</u>
20 Mbps/20Mbps	\$20.00	N/A		N/A
100 Mbps/100 Mbps	\$49.00	N/A		N/A
300 Mbps/300 Mbps	\$79.00	N/A		N/A
100 Mbps/25 Mbps		N/A	\$59.99	N/A
500 Mbps/50 Mbps		N/A	\$89.99	N/A
1 Gbps/50 Mbps		N/A	\$129.99	N/A
VoIP Services ³⁴	\$20.00	\$25.95	\$49.99	N/A

Staff finds that all the proposed broadband Internet access and VoIP telephony plans listed in the above table, are reasonable and recommends approval.

Due Diligence Review

An integral part of Staff’s processing of an ETC designation request is a due diligence review to determine if the carrier has engaged in behavior that may call into question its fitness to be granted ETC designation to serve California consumers. The due diligence review includes, but is not limited to, conducting independent research about a carrier’s past operations to provide the Commission with information that may be pertinent in deciding whether or not to grant the ETC request. Typical research methods include performing Lexis/Nexis legal resource searches, internet searches, reviewing industry and trade publications, querying other governmental agencies, contacting the FCC and the Universal Service Administrative Company (USAC), reviewing a company’s history of operations, and consulting with the Commission’s Consumer Protection and Enforcement Division and Consumer Affairs Branch.

Staff did not discover any issues that would lead to a denial of any of the five carrier’s requests for authority to operate as an ETC service provider in the state of California. If

³⁴ Includes unlimited local calling and E911, among other features. See each carrier’s respective websites for additional details.

substantive issues later emerge which raise public interest questions about any of the carrier's ability to offer subsidized program services in compliance with the authorities granted in this resolution, the Commission may pursue an enforcement action which may include fines, penalties, and the revocation of ETC designation in California.

Safety Considerations

Given that safety and emergency communications are common concerns for all of California's telephone customers, Staff requires that each carrier fully and clearly inform prospective federal Lifeline participants that coverage limitations may affect VoIP access to NG 9-1-1, E-911, and/or legacy 911 in the event of an emergency, disaster, and power outages. Such disclosures include, but are not limited to, clear statements on marketing materials and conspicuous placement on the public website in the form of information content on webpages, footnotes, and/or listings on the frequently asked questions (FAQ) webpage.

Each carrier must adhere to the obligations as outlined in the FCC's Backup Power Order.³⁵ Specifically, annual notification of the availability of backup power-purchasing options, education, and outreach. Additionally, for facilities located in the Tier II and III High Fire Threat Districts (HFTDs)³⁶, carriers must also comply with CPUC's [D.21-02-029](#).

COMMENTS

In compliance with P.U. Code § 311(g), the Commission emailed a notice letter on April 30, 2021, informing all parties on the Eligible Telecommunications Carrier service list, the California LifeLine proceeding [R.20-02-008](#) service list, and the California Advanced Services Fund service list, of the availability of this Resolution for public comments at the Commission's website www.cpuc.ca.gov. The notice letter also informed parties that the final confirmed Resolution adopted by the Commission will be posted and available on the same website.

FINDINGS AND CONCLUSIONS

³⁵ See *In the Matter of Ensuring Continuity of 911 Communications*, Report and Order, PS Dkt. 14-174, (FCC-15-98), released August 7, 2015, para. 4-5. See also PUBLIC SAFETY AND HOMELAND SECURITY BUREAU REMINDS providers of facilities-based fixed residential voice services that are not line-powered of upcoming requirement to Offer subscribers 24 hours of BACKUP POWER for customer premises equipment, Public Notice, PS Dkt. 14-174, (DA 18-1205), released November 27, 2018.

³⁶ <https://www.cpuc.ca.gov/firethreatmaps/> (website last visited 3/23/2021)

1. The following RDOF winning bidders submitted Advice Letters requesting ETC designation:
 - Hunter Communications and Technologies, LLC (U-7281-C) AL #8, filed on January 6, 2021.
 - Charter FiberLink CA-CCO, LLC (U-6878-C) AL#175, filed on January 6, 2021.
 - Time Warner Cable Information Services, LLC (TWCIS) (U-6874-C) AL# 159, filed on January 6, 2021.
 - Cal-Ore Communications, Inc. (COM) (U-7035-C) AL #10, filed on March 1, 2021.
 - Anza Electric Cooperative, Inc. (AEC) (U-7297-C) AL #11, filed on March 15, 2021.
2. All five carriers will offer high-speed broadband and VoIP telephony services.
3. The Communications Division Staff recommends that all five carrier requests to operate as an Eligible Telecommunications Carrier (ETC) supported by the federal High-Cost and Lifeline program, be approved contingent on the following:
 - a) File required annual reports and compliance reports with the Commission, including FCC Form 481 and section 54.314 certifications;
 - b) Provide ad-hoc and recurring reports to the Commission as required by PU Code sections 581, 582 & 584;
 - c) Submit information to the Universal Service Administrative Company (USAC), pursuant to 47 CFR § 54.401(d), demonstrating that its Lifeline service meets the FCC requirements. A copy of the information submitted to USAC shall also be provided to the Director of the Communications Division, within 30 days after filing with USAC at email address ETCReportingtoStates@cpuc.ca.gov;
 - d) Continue to comply with CPUC User Fee and surcharge remittance and reporting requirements. Failure to do so may result in enforcement action including penalties, fines, denial, suspension, and/or revocation of its ETC designation;
 - e) Provide terms and conditions, disclosures, and marketing materials, including scripts used by customer service representatives, to the CPUC Staff for review and approval prior to offering VoIP Lifeline?? service, dissemination, and/or availability to the public;

- f) Post-safety related information about VoIP telephone service coverage limitations on distributed terms and conditions, disclosures, marketing materials, including scripts used by customer service representatives, and on its company website;
 - g) Abide by all applicable state and federal consumer protection rules, including CPUC General Order 168, which is the Consumer Bill of Rights Governing Telecommunications Services;
 - h) To the extent applicable, if network facilities are located in Tier II and III HFTDs, carriers shall comply with [D.21-02-029](#) to ensure network resiliency and have at least 72-hours of backup in these facilities to provide uninterrupted services to the Californians; and
 - i) Comply with all FCC RDOF program rules and regulations, including but not limited to service milestones, reporting requirements, and performance targets.
- 4. Each carrier commits to comply with the CPUC's LifeLine enrollment process, including all eligibility rules and validation checks, and to provide the CPUC's LifeLine Administrator all required information for the Administrator to determine eligibility for the federal Lifeline program. This also applies to carriers participating in the California LifeLine Program.
- 5. Staff conducted a due diligence review to determine each carrier's fitness as it relates to business practice behavior and customer protection that may call into question its fitness to be granted ETC designation to serve California consumers. Staff found no fitness issues with any of the requesting carriers.
- 6. The Commission may pursue an enforcement action which may include fines, penalties, denial, suspension, and/or revocation of the ETC designation should substantive issues emerge after each carrier is approved which raise public interest questions about the carrier's operations.
- 7. For public safety reasons, all five carriers are required to clearly inform Lifeline customers that coverage limitations may affect VoIP telephony service including NG 9-1-1, E-911, and legacy 911 emergency calls during an outage. Disclosures should include but are not limited to, clear statements on all marketing materials and the company's website. Each carrier must also comply with the FCC's backup power obligations.
- 8. Each carrier should file a Tier 2 advice letter to request approval to change its service area including a description of the area(s) to be served, a list of the

geographic service areas; shapefile maps, and proposed service area(s) in excel format.

9. Each carrier should file a Tier 2 advice letter to request approval for any future changes including, but not limited to, terms and conditions to the approved federal Lifeline supported service plans and/or California LifeLine plans.
10. All five carriers are authorized to provide federal high-cost and Lifeline services in the respective winning service areas of RDOF.
11. On April 16, 2021, the Commission emailed a draft of this resolution to the Eligible Telecommunications Carrier service list, the California LifeLine proceeding [R.20-02-008](#) service list, and the California Advanced Service Fund list, for public comments.

THEREFORE, IT IS ORDERED that:

1. The Commission approves the following carriers as Eligible Telecommunications Carriers to obtain federal high-cost and Lifeline support in the designated service areas as determined by the Federal Communications Commission's Rural Digital Opportunity Fund Auction: Hunter Communications and Technologies, LLC (U-7281-C), Charter FiberLink CA-CCO, LLC (U-6878-C), Time Warner Cable Information Services, LLC (U-6874-C), Cal-Ore Communications, Inc. (U-7035-C) and Anza Electric Cooperative, Inc. (U-7297-C).
2. Each Eligible Telecommunications Carrier's designation shall be contingent upon the final authorization of the Federal Communications Commission's Rural Digital Opportunity Fund awards and the following:
 - a) File required annual reports and compliance reports with the Commission, including Federal Communications Commission Form 481 and 47 Code of Federal Regulations section 54.314 certifications;
 - b) Provide ad-hoc and recurring reports as required by Public Utilities Code sections 581, 582 & 584;
 - c) Submit information to the Universal Service Administrative Company pursuant to 47 Code of Federal Regulations § 54.401(d), demonstrating that its Lifeline service meets the FCC requirements. A copy of the information shall also be provided to the Director of the Communications Division, within 30 days after filing with Universal Service Administrative Company at email address ETCReportingtoStates@cpuc.ca.gov;

- d) Continue to comply with the Commission's User Fee and surcharge remittance and reporting requirements. Failure to do so may result in enforcement action including penalties, fines, denial, suspension, and/or revocation of its eligible telecommunications carriers designation;
 - e) Provide terms and conditions, disclosures, and marketing materials, including scripts used by customer service representatives, to the Communications Division Staff for review and approval prior to offering any federal Lifeline supported service, dissemination, and/or availability to the public;
 - f) Post safety related information about federal Lifeline supported service coverage limitations (during outages) on distributed terms and conditions, disclosures, marketing materials, including scripts used by customer service representatives, and on its company website;
 - g) Abide by all applicable state and federal consumer protection, including the Commission's General Order 168, which is the Consumer Bill of Rights Governing Telecommunications Services;
 - h) To the extent applicable, if facilities are located in Tier II and III High Fire Threat Districts (HFTDs), carriers shall comply with Commission Decision [D.21-02-029](#) to ensure network resiliency and sufficient backup in their networks; and
 - i) Comply with all Federal Communications Commission's Rural Digital Opportunity Fund program rules and regulations, including but not limited to service milestones, reporting requirements, and performance targets.
- 3. Each carrier shall file a Tier 2 Advice Letter to request approval for any future changes to its approved designated service area. This request shall describe the areas to be served and include a list of the geographic service areas; shapefile maps, and proposed service area(s) in excel format.
 - 4. Each carrier shall file a Tier 2 Advice Letter to request any future changes to its federal Lifeline supported service plans and/or California LifeLine plans as applicable.
 - 5. Each carrier that participates in the California LifeLine Program shall comply with General Order 153 and the California LifeLine Administrator's enrollment process including, but not limited to, validation checks, transmission requirements, and efforts to prevent waste, fraud, and abuse.

6. Each carrier that participates in the federal Lifeline Program shall clearly label the Voice over Internet Protocol telephony service plans approved in this Resolution as “federal Lifeline Voice over Internet Protocol service plans” and refer to the federal Lifeline program, where applicable, in the respective company’s terms and conditions, disclosures, and marketing materials.
7. Each carrier must comply with all applicable Commission rules, orders, decisions, and resolutions, the California Public Utilities Code, and Lifeline rules. Failure to do so may result in fines, penalties, denial, suspension, and/or revocation of its eligible telecommunications carrier designation in California.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held _____ the following Commissioners voting favorable thereon:

Rachel Peterson
Executive Director

APPENDIX A

List of Carriers Designated as Eligible Telecommunications Carrier

Carrier Name	Type of Designation
Hunter Communications and Technologies, LLC (U-7281-C) AL#8	Federal High-Cost and Lifeline in RDOF areas.
Charter FiberLink CA-CCO, LLC (U-6878-C) AL #175	Federal High-Cost and Lifeline in RDOF areas.
Time Warner Cable Information Services, LLC (U-6874-C) AL#159	Federal High-Cost and Lifeline in RDOF areas.
Cal-Ore Communications, Inc. (U-7035-C) AL #10	Federal High-Cost and Lifeline in RDOF areas.
Anza Electric Cooperative, Inc. (U-7297-C) AL #11	Federal High-Cost and Lifeline in RDOF areas.

