

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for partial relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Bright House Networks Information Services (Florida), LLC.

DOCKET NO. 20210171-TX
ORDER NO. PSC-2022-0040-PAA-TX
ISSUED: January 21, 2022

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING REQUEST FOR PARTIAL RELINQUISHMENT OF
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION
BY BRIGHT HOUSE NETWORKS INFORMATION SERVICES (FLORIDA), LLC

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission (Commission) that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

On October 29, 2021, Bright House Networks Information Services (Florida), LLC (Bright House) filed a petition with this Commission for partial relinquishment of its ETC status for select census blocks in the state of Florida. Bright House was designated as an ETC by this Commission on July 9, 2021, to meet the Federal Communications Commission's (FCC) requirement for High-Cost funding resulting from winning bids in the Rural Digital Opportunity Fund (RDOF) auction.¹ An ETC designation is a condition for telecommunications carriers to receive funding support from the Universal Service Fund (USF) for the Lifeline and High-Cost programs. The Lifeline program enables low-income households to obtain and maintain basic telephone and broadband service by offering qualifying households a discount on monthly bills. The High-Cost program helps carriers provide voice and broadband service in remote and underserved communities.

¹ Order No. PSC-2021-0250-CO-TX issued July 9, 2021, in Docket No. 20210013-TX, *In re: Application for designation as an eligible telecommunications carrier to receive rural digital opportunity fund auction (Auction 904) support for voice and broadband services and request for expedited consideration, by Bright House Networks Information Services (Florida), LLC.*

To comply with federal requirements for RDOF High-Cost funding, Bright House is required to meet initial broadband deployment requirements by 2024, with increasing deployment and service requirements for each subsequent year.² Alongside broadband deployment, Bright House is required to offer Lifeline service in its awarded census blocks upon reaching its first deployment requirements. Because Bright House has not reached its first buildout requirement deadline, Bright House does not have an obligation to provide Lifeline service at this time, and currently serves no Lifeline customers.

After winning RDOF bidders were announced, the FCC conducted a review of the awarded census blocks and found areas that were deemed unnecessary for broadband infrastructure deployment or were already being served by another carrier. The FCC requested the winning bidders to default these areas to facilitate the efficient use of USF funding, and Bright House accordingly defaulted the census blocks for which it is requesting relinquishment.³

We are vested with jurisdiction in this matter, pursuant to Section 364.10, Florida Statutes, 47 U.S.C. §214(e)(4), and 47 C.F.R. §54.205.

Decision

An ETC may relinquish its ETC designation pursuant to 47 C.F.R. §54.205(a), which provides that:

A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.

In approving a relinquishment, state commissions must require the remaining ETCs to ensure that existing customers will continue to be served. 47 C.F.R. §54.205(b), provides that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The state commission shall establish a time, not to exceed one year after the state

² USAC, Rural Digital Opportunity Fund, <https://www.usac.org/high-cost/funds/rural-digital-opportunity-fund/>, accessed on December 11, 2021.

³ FCC, WC Docket No.'s 19-126 and 10-90, [https://ecfsapi.fcc.gov/file/10908766706030/Charter%20RDOF%20Waiver%20\(09-07-2021\).pdf](https://ecfsapi.fcc.gov/file/10908766706030/Charter%20RDOF%20Waiver%20(09-07-2021).pdf), accessed on December 13, 2021.

commission approves such relinquishment under this section, within which such purchase or construction shall be completed.

Bright House identified in its petition all the census blocks for which it is requesting relinquishment of its ETC designation. Our staff identified ETCs who may serve the census blocks identified by Bright House and sent a data request to these carriers to verify ETC designation and confirm Lifeline service provision. Our staff compared the responses to ensure that customers in the relinquished areas would have Lifeline service available, even though Bright House has not begun providing Lifeline service. We confirmed the availability of Lifeline service in these census blocks, and therefore we hereby approve Bright House's petition for partial relinquishment of its ETC designation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Bright House Networks Information Services (Florida), LLC's petition for partial relinquishment of its Eligible Telecommunications Carrier designation in Florida is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of this Order, this docket shall be closed upon the issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 21st day of January, 2022.



ADAM J. TEITZMAN

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AJW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 11, 2022.

In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

State	County	Census Block	Confirmed ETCs Serving Census Block
FL	Alachua	120010009011000	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010015171007	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010015171009	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010015171014	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010017023028	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201011	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201024	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201027	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201048	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201052	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Alachua	120010022201054	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile
FL	Lake	120690303081030	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Lake	120690303081032	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Lake	120690310001048	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Manatee	120810020142019	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, Frontier Florida
FL	Manatee	120810020142020	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, Frontier Florida
FL	Marion	120830010062001	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062021	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062056	Assurance Wireless, SafeLink Wireless, Access Wireless, T-Mobile, CenturyLink

State	County	Census Block	Confirmed ETCs Serving Census Block
FL	Marion	120830010062057	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062112	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062114	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062120	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062129	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062135	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010062155	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010082006	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Marion	120830010082033	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, CenturyLink
FL	Polk	121050124051064	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, Frontier Florida
FL	Polk	121050124051068	Assurance Wireless, Safelink Wireless, Access Wireless, T-Mobile, Frontier Florida