



1 P R O C E E D I N G S

2 CHAIRMAN CLARK: All right. We will move next  
3 to Item No. 3.

4 Ms. Helton, would you introduce the item?

5 MS. HELTON: Certainly. Did we want to do 3,  
6 4 and 5 together or did we want to do just do No.  
7 3?

8 CHAIRMAN CLARK: Is that okay with you,  
9 Commissioner Fay?

10 COMMISSIONER FAY: Sure. That's fine.

11 CHAIRMAN CLARK: We will do them all together.

12 MS. HELTON: Commissioner Fay's caught me a  
13 bill bit flatfooted. I was prepared with an  
14 introduction for Item 3 so I am going to kind of  
15 wing it here.

16 Items 3, 4 and 5 are staff's recommendations  
17 to deny applications that were filed here seeking  
18 the destination of an eligible communications  
19 carriers, or ETCs. The Federal Communications  
20 Commission, or the FCC, selected these three  
21 entities as winners in its Rural Digital  
22 Opportunity Fund option to provide high cost  
23 support funded through the Federal Universal  
24 Service Fund in Florida. And they -- to meet these  
25 option requirements, they have a deadline by which

1           they have to receive their designation as an ETC.

2           Staff is recommending that the Commission deny  
3           these three applications for the reasons expressed  
4           in staff's recommendation they do not fall under  
5           our jurisdiction. The staff is recommending that  
6           you do not have jurisdiction to approve the  
7           applications. And instead, staff is recommending  
8           that these entities apply directly to the ETC -- I  
9           mean, the FCC for ETC designation.

10           Staff is available to answer any questions you  
11           might have on these three.

12           CHAIRMAN CLARK: Thank you, Ms. Helton.

13           Commissioner Fay.

14           COMMISSIONER FAY: Thank you, Mr. Chairman.

15           And I will start with Item 3. I did have a  
16           lot of questions with legal on these items as a  
17           whole, and I think what was concerning to me is the  
18           idea that the Commission is denying the  
19           certification for these entities when the idea is  
20           that they are applying to the Rural Digital  
21           Opportunity Fund for distribution of these funds to  
22           help high cost areas, to help service for high cost  
23           areas.

24           After talking with staff a good bit, it's my  
25           understanding that the denial is needed -- and the

1            recommendations touched on this a little bit, but  
2            it's needed for the FCC to then make their  
3            determination as to what they can distribute. And  
4            so it's a little concerning to me because on its  
5            face of the recommendation, it looks like our  
6            denial could be potentially impeding, or at a  
7            minimum slowing down that distribution, and it's  
8            really doing the opposite. So that the quicker we  
9            are able to get these orders out, the quicker these  
10           entities are able to go to the FCC to get that  
11           certification.

12                    And I believe the filing for this one, I  
13           think, was the end of December, and the other ones  
14           were beginning of January. So this is really --  
15           there is 180-day period that they are allowed to do  
16           it, but I just want to make sure -- and I won't --  
17           I won't put on there and, but I just want to make  
18           sure it's my understanding that if approved today  
19           in today's hearing, we will be able to quickly get  
20           the orders out making it clear that we don't have  
21           the legal authority to provide this certification  
22           or designation, and the FCC will then have plenty  
23           of time to approve these so Florida doesn't lose  
24           its funding.

25                    MS. HELTON: That is my understanding,

1 Commissioner Fay.

2 COMMISSIONER FAY: Okay. Great.

3 And then, Mr. Chairman, if I could just ask a  
4 question specific to 4 and 5, is that okay with  
5 you?

6 CHAIRMAN CLARK: Yes, sir.

7 COMMISSIONER FAY: Okay. Great. Thank you.

8 So Item 4, when reviewing the docket, it  
9 looked like Starlink, which is another entity  
10 receiving this distribution under the RDOF, that  
11 they actually put -- they actually submitted a  
12 letter in the docket, and I think it was maybe  
13 placed in the docket on Friday, I didn't originally  
14 see it in there, but it essentially is saying that  
15 if we are -- if we are denying their certification,  
16 that they will be able to go back to the FCC and  
17 amend their application that relates to other  
18 states and distributions in other states, and so I  
19 want to see if maybe staff could clarify that  
20 that's the same process, that Starlink will be able  
21 to go to the FCC, amend their petition within that  
22 180 days to receive this funding?

23 MS. HELTON: I am going to defer that question  
24 to Ms. Weisenfeld, if that's okay.

25 CHAIRMAN CLARK: Ms. Weisenfeld, are you on

1 the line?

2 MS. WEISENFELD: Yes, I am. Can you hear me?

3 CHAIRMAN CLARK: Yes, ma'am.

4 MS. WEISENFELD: Great.

5 Thank you for the question, Commissioner Fay.

6 Yes, that's my understanding, that Starlink  
7 has put the FCC on notice that the Commission could  
8 potentially issue a denial, and it's my  
9 understanding that the FCC is ready to process the  
10 Starlink Services, LLC's, application  
11 expeditiously.

12 COMMISSIONER FAY: Okay. Great.

13 And then, Mr. Chairman, just one more  
14 question, I appreciate it.

15 On item -- so it's on Item 5, we have  
16 essentially it's a little bit different,  
17 essentially a denial of -- a revocation or  
18 cancellation, let's just say, of a certificate to  
19 allow an entity to move forward for us to deny  
20 their certification.

21 I have the same question on this one. I just  
22 want to make sure we are canceling their  
23 certificate which provides them as a designation of  
24 a telecommunications company, but by doing that, we  
25 are allowing them to then go to the FCC for

1 approval to receive these funds? And I don't know  
2 if it's a Mary Anne or maybe a question for staff.

3 MS. HELTON: I am not the expert here, so I am  
4 going to defer to Ms. Passidomo or staff if that's  
5 more appropriate.

6 MS. TAN: Hi, this is Lee Eng Tan for legal  
7 staff.

8 I was not -- because we just took this up and  
9 with staff, I will just go ahead and handle it.

10 No, but that is correct. In fact, Hotwire has  
11 filed concurrently with the FCC. It is actually, I  
12 believe, available potentially, if you wish to ask  
13 the company itself, but we are aware that they have  
14 filed concurrently with the FCC and we not see it  
15 as being a obstruction to their filing with the  
16 FCC.

17 COMMISSIONER FAY: Okay. And that's all I  
18 need. The party doesn't have to respond. I just  
19 want to make sure that all -- although all three  
20 are somewhat different, those denials will allow  
21 them to go to the FCC and get certification to get  
22 those funds.

23 It's a lot of money that's coming out of those  
24 funds for those services, and I just wanted to make  
25 sure that the Commission wasn't doing anything to

1           potentially slow that down or impede that, and so  
2           staff has appropriately answered my questions.

3           Mr. Chairman, I am prepared to move, unless my  
4           colleagues have anything they want to add.

5           CHAIRMAN CLARK: All right. Any other  
6           questions on these items?

7           Thank you, Commissioner Fay. I shared the  
8           same concerns that you did with these matters. I  
9           didn't want to slow the process down, but I looked  
10          every way possible. I think the conclusion is  
11          correct, the jurisdiction is just not there for us  
12          to make these interpretations, and I think it's in  
13          our best interest to move these forward. I am like  
14          you, I don't want to see Florida lose these funds  
15          that are available. That's very important.

16          I will entertain a motion.

17          COMMISSIONER FAY: All right. Thank you, Mr.  
18          Chairman.

19          I would move for approval on Items 3, 4 Its  
20          I -- on all the issues on Items 3, 4 and 5.

21          COMMISSIONER LA ROSA: Second.

22          CHAIRMAN CLARK: I have a motion and a second  
23          to approve all issues on Items 3, 4 and 5.

24          Any discussion?

25          On the motion, all in favor say aye.



1 (Chorus of ayes.)

2 CHAIRMAN CLARK: Opposed?

3 (No response.)

4 CHAIRMAN CLARK: Motion carries.

5 Thank you very much. Thank you, staff, for  
6 that thorough evaluation.

7 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 15th day of March, 2021.



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DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH31926  
EXPIRES AUGUST 13, 2024