

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: December 29, 2021

TO: Office of Commission Clerk (Teitzman)

FROM: Office of Industry Development and Market Analysis (Wendel, Fogleman, Yglesias de Ayala) ^{CH}
Office of the General Counsel (Weisenfeld) ^{TLT}

RE: Docket No. 20210171-TX – Petition for partial relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Bright House Networks Information Services (Florida), LLC.

AGENDA: 12/29/21 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: La Rosa

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On October 29, 2021, Bright House Networks Information Services (Florida), LLC (Bright House) filed a petition with the Florida Public Service Commission (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 the 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

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.*

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.

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

The Commission is 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.

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.

Discussion of Issues

Issue 1: Should the Commission approve Bright House's request for partial relinquishment of its ETC designation?

Recommendation: es. The Commission should approve Bright House's request for partial relinquishment of its ETC designation. (Wendel, Fogleman, Yglesias de Ayala, Weisenfeld)

Staff Analysis: 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 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. 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. 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. Staff has confirmed the availability of Lifeline service in these census blocks, and therefore, staff recommends that the Commission approve Bright House's petition for partial relinquishment of its ETC designation.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Weisenfeld)

Staff Analysis: At the conclusion of the protest period, if no protest is filed this docket should be closed upon the issuance of a consummating order.

Attachment A

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