

ment working group to ensure that the Commission remains apprised of industry and public concerns, that Federal amendments are properly vetted before becoming effective in this Commonwealth and that dispute resolution processes are efficient and effective. This notice hereby invites any parties who are interested in participating in the pole attachment working group to inform the Commission of their interest within 15 days of the date of publication of this notice in the *Pennsylvania Bulletin*. The Commission will ultimately manage the size and composition of this working group to ensure that its regulatory purposes are fulfilled. Failure to respond to this notice is not intended to foreclose participation.

This pole attachment working group is hereby established with an initial membership of representatives from the following: (1) within the Commission: the Law Bureau, the Office of Special Assistants, the Bureau of Technical Utility Services, the Bureau of Consumer Services, the Bureau of Investigation and Enforcement and the Office of Administrative Law Judge—Mediation Office; (2) the Office of Consumer Advocate and the Office of Small Business Advocate; and (3) the Governor's Office of Broadband Initiatives. Among industry participants, also invited to participate are the Broadband Cable Association of Pennsylvania; CTIA—the Wireless Association; the Energy Association of Pennsylvania; and the Pennsylvania Telephone Association.

The contact person for this notice is Colin W. Scott, Assistant Counsel, Law Bureau. Parties interested in becoming members of the pole attachment working group should e-mail colinscott@pa.gov, with the subject line "Pole Attachment Working Group Membership" within 15 days of the date of publication of this notice in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-276. Filed for public inspection February 21, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Hamilton Relay, Inc. Petition for a Proposed Pilot of Real Time Text for People with Disabilities in this Commonwealth; Doc. No. P-2019-3008352

On March 8, 2019, at Doc. No. P-2019-3008352, Hamilton Relay, Inc. (Hamilton) filed an Executive Summary and related information with the Pennsylvania Public Utility Commission (Commission) seeking Commission approval to conduct a 90-day pilot project of Real Time Text (RTT) supported by the TRS Fund (RTT Pilot). At the TRS Advisory Board meeting of December 5, 2018, the members recommended to the Commission including the Commonwealth in its RTT Pilot.

The RTT Pilot is a 90-day pilot project that is designed to test the availability and use of RTT by a limited number of eligible residents of this Commonwealth with disabilities. RTT capable devices will be supported from and distributed through the existing TRS Fund. The proposed RTT Pilot will be implemented through Hamilton in its current capacity as the Commonwealth's Commission-approved TRS provider.¹

¹ See Application of Hamilton Relay, A-2014-2447601.

The pilot project will provide for the recruitment and selection of up to 50 eligible participants over a 90-day period. RTT is a digital, Internet Protocol based communication protocol that transmits text immediately as the characters are typed. RTT provides text communications that may be more functionally equivalent for Relay users as it allows for conversational bi-directional communication that may also include voice and special characters. The trial will include distribution of selected RTT-capable devices equipped with appropriate applications and software, as well as monitoring, measurement and evaluation of the use of this system. The RTT proposal seeks funding in the amount of \$167,575 from the TRS Fund for the relevant costs of the pilot project including the costs of the device equipment distribution and the costs for managing the overall project through its 90-day duration.

Interested persons may file comments on the proposed RTT Pilot within 20 calendar days of the publication of this notice. Comments must reference Doc. No. P-2019-3008352 and may be filed either electronically through the Commission's e-File System² or by mail addressed to the Pennsylvania Public Utility Commission, Attention: Secretary, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Handwritten comments will be accepted by mail. The filing of comments by means of routine e-mail is not permitted.

Where possible, an electronic copy of any filing should also be sent to Eric Jeschke at ejeschke@pa.gov. The contact person for this petition is Christian McDewell, Assistant Counsel, Law Bureau, (717) 787-7466.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-277. Filed for public inspection February 21, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Armstrong Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier

Public Meeting held
February 6, 2020

Commissioners Present: Gladys M. Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Andrew G. Place; John F. Coleman, Jr.; Ralph V. Yanora

Petition of Armstrong Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier; P-2018-3005035

Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for disposition is the September 28, 2018 Petition of Armstrong Telecommunications, Inc. (ATI) (Petition) seeking Commission designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania for the purpose of receiving federal high-cost support, pursuant to Section 214(e)(2) of the

² See <http://www.puc.state.pa.us/efiling/default.aspx>.

Communications Act of 1934, as amended.¹ Obtaining a designation as a federal high-cost ETC from the Commission would qualify ATI to become eligible to receive federal high-cost support funding from the federal Universal Service Fund (USF) in any area where it was awarded a winning bid in the Federal Communications Commission's (FCC) Connect America Fund Phase II (CAF II) Auction 903 (Auction 903). As such, ATI is required to certify that it is an ETC in all of the eligible census blocks for which ATI was awarded Auction 903 support in order to provide voice and broadband services to identified locations. Accordingly, in its Petition, ATI states that it is seeking high-cost designation as an ETC only in specific census blocks throughout the Commonwealth for which it was awarded funding in the CAF II Auction 903.² ATI has identified these specific census blocks in Exhibit A to the Petition, which we have replicated in Appendix A to this Order, and which we hereafter refer to as ATI's ETC "Designated Area."

Notice of ATI's Petition was published in the *Pennsylvania Bulletin* at 48 Pa.B. 6759 on October 20, 2018. No comments were filed in response to ATI's Petition. ATI also filed supplements to its original Petition that set forth other additional pertinent information.³

We have reviewed ATI's Petition, as supplemented, to determine whether it meets the statutory criteria and applicable minimum standards necessary under state and federal law to obtain an ETC designation. ATI's Petition is hereby approved under the applicable federal statutory criteria and other relevant federal and Pennsylvania law. Concomitantly, as a condition of receiving an ETC designation to receive high-cost support, ATI must also participate in the federal Lifeline program and is required to offer Lifeline service to qualified low-income eligible customers or households in its Designated Area in accordance with applicable federal and Pennsylvania law.

We hereby conclude that it is in the public interest that ATI be designated an ETC for purposes of receiving Auction 903 support in the high-cost eligible census blocks where it submitted a winning bid to deploy and maintain networks capable of providing voice and broadband services and also to provide Lifeline service to qualifying low-income customers or households in those same census blocks. Specifically, ATI will be required to offer Lifeline services to qualified eligible low-income customers or households, subject to the conditions stated by this Order, and applicable reporting, annual recertification, and other requirements as they currently exist or may come to exist under federal and/or state law.

Background

A. FCC and State ETC Orders

In its 1997 Universal Service Order, the FCC established minimum requirements necessary for a telecommu-

nications carrier to be designated an ETC, and thus, eligible to receive federal universal service high-cost support from the federal USF.⁴ In 2005, pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(6), and consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), the FCC addressed these minimum requirements and adopted additional mandatory requirements for ETC designation proceedings.⁵ Additionally, as recommended by the Joint Board, the FCC encouraged states that exercise jurisdiction over ETC designations pursuant to Section 214(e)(2) of the Act, to adopt these same requirements when deciding whether they should designate a common carrier as an ETC.⁶ Accordingly, in order to provide consistent standards and to obtain the complete and necessary information necessary when reviewing future petitions for ETC designation and annual ETC recertifications, the Commission adopted the FCC's statutorily prescribed requirements for ETC designations and set forth additional Pennsylvania-specific standards as guidelines for all ETC applicants over which it exercises jurisdiction.⁷ The Commission codified these guidelines at 52 Pa. Code § 69.2501 (ETC Guidelines).

In its 2011 USF/ICC Transformation Order, the FCC comprehensively reformed the federal USF mechanism to accelerate broadband build-out to the 18 million Americans living across the nation in rural areas who were receiving voice service but lacked access to robust broadband infrastructure and service.⁸ Specifically, the FCC concluded that it should adopt high-cost support for broadband-capable networks as an express universal service principle under Section 254(b) of the Act, 47 U.S.C. § 254(b).⁹ Additionally, for the first time, the FCC set specific performance goals for the high-cost component of the federal USF to ensure the reforms are achieving their intended purposes.¹⁰ Accordingly, the FCC revamped the purpose of the Universal Service High-Cost program of the federal USF to expand access to both voice and broadband services by supporting networks capable of providing those services and requiring certain support recipients to provide those services in geographic areas that were clearly unserved or underserved by unsubsidized service providers of broadband service.¹¹

Concomitant with this repurposing of the six pre-existing programs in the federal USF High-Cost Fund that supported voice service, there was also a renaming of the High-Cost program to the Connect America Fund or CAF.¹² The CAF was rolled-out in different phases.¹³ Up through the CAF Phase II Auction 903, the FCC, through the CAF, provided funding to federal price cap incumbent local exchange carriers (ILECs) to support the cost of

⁴ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, 8847-76, paras. 130-180 (1997) (Universal Service Order).

⁵ See Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Rcd 6371, 6372, 6380, paras. 2, 20 (2005) (2005 ETC Designation Order).

⁶ See 2005 ETC Designation Order, 20 FCC Rcd at 6372, 6380, paras 1, 20.

⁷ Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741 (Order entered August 2, 2010) (ETC Guidelines Order).

⁸ In the Matter of Connect America Fund, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011), aff'd sub nom In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014) (USF/ICC Transformation Order). The FCC, inter alia, adopted rules that modernized and refocused the federal USF to make affordable broadband access available to all Americans and an inherent part of the universal service concept.

⁹ See USF/ICC Transformation Order, 26 FCC Rcd at 17672, para. 17.

¹⁰ Id.

¹¹ Id. at 17673, paras. 19-25.

¹² Id. at 17673, para. 20.

¹³ Id. at 17673, paras 22-23.

¹ Although styled an application, ETC designation is properly sought through a petition. Per our regulations at 52 Pa. Code § 1.2, we have treated this document as a petition.

² The FCC made eligible for Auction 903 certain high-cost census blocks in states where the price cap carriers had declined an earlier offer of model-based support in CAF Phase I, Part 2 and in other unserved areas nationwide (excluding New York, Alaska, Puerto Rico, and the Virgin Islands) that were not served by an unsubsidized service provider. It was through this competitive bidding process that ATI was a winning bidder in certain high-cost census blocks located in service territories of Verizon Pennsylvania, LLC, Verizon North, LLC and The United Telephone Co. of Pennsylvania, Inc., d/b/a CenturyLink, and Windstream Pennsylvania, LLC. It is in these federally-funded census blocks that ATI is seeking federal high-cost ETC designation and will be offering voice and broadband services under federal law consistent with the FCC's public interest obligations.

³ ATI filed supplements on January 9, 2019, March 14, 2019, April 24, 2019, January 14, 2020, and responded to staff inquiries on June 26, 2019, July 3, 2019 and July 28, 2019, January 4, 2020, January 14, 2020.

building new network infrastructure or performing network upgrades to continue to provide voice and, in addition, retail broadband access services in areas where it was lacking.

In 2018, as a part of CAF Phase II, Part II, the FCC conducted Auction 903 to allocate Phase II support to a certain number of locations in eligible CBGs across the United States, including areas in Pennsylvania where certain federal price cap ILECs had declined to receive the model-based high-cost support that had been previously offered by the FCC.¹⁴ Auction 903 ran from July 24, 2018 to August 21, 2018 and awarded up to \$198 million annually for 10 years to all service providers that had committed to provide voice and fixed broadband services to specific locations in unserved high-cost areas, including areas in Pennsylvania.¹⁵ As a result of Auction 903, some homes and businesses would have voice as well as broadband Internet access service (BIAS) available with download speeds of at least 100 megabits per second (Mbps).¹⁶ Others would have voice and gigabit service available.¹⁷ And lastly, the remaining locations would have voice as well as at least 25 Mbps download service available.¹⁸

Concomitantly, in order to continue the mission of assisting qualifying low-income Americans to get and stay connected in today's technological climate, while at the same time relieving some of the burden on the entities providing this service, the FCC also had begun restructuring the federal USF Lifeline program.¹⁹ In its 2012 Lifeline Reform Order, the FCC eliminated the previous system of tiered support and set an interim funding rate of \$9.25 per month and per eligible subscriber or household effective May 1, 2012.²⁰ The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program,

¹⁴ See Public Notice, Connect America Fund Phase II Auction Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018, AU Docket No. 17-182 and WC Docket No. 10-90 (rel. August 28, 2018) (CAF Auction Results Notice).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Red 6656 (2012) (2012 Lifeline Reform Order or Lifeline FNPRM).

²⁰ At the current time, federal rules limit Lifeline support to \$7.25 to support voice service. The Lifeline subscriber's \$9.25 support is applicable to broadband service. A Lifeline consumer may choose to purchase but subscribers cannot receive the \$7.25 support separately for each service. However, Lifeline also supports broadband-voice bundles so consumers choosing a bundled package containing voice and broadband service can apply the \$9.25 support to that bundle.

further connecting low-income Americans to voice services and, now, broadband.²¹

B. ATI's Petition and Supplements

On August 28, 2018, the FCC announced that ATI had been awarded federal high-cost support funding in certain designated census blocks in Pennsylvania via the FCC's Auction 903.²² In its Petition, ATI requested ETC designation in only the specific census blocks located in Mercer, Crawford and Erie Counties where it had submitted a successful bid via Auction 903 and had been awarded CAF Phase II support by the FCC.

The Commission subsequently engaged in detailed analysis of the Petition and supplemental information that was provided to ensure consistency with state and federal law.

ATI holds certificates of public convenience from the Commission to operate as a Competitive Local Exchange Carrier (CLEC), Interexchange Toll Reseller (IXCR), and a Competitive Access Provider (CAP) in the following ILEC service territories: Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company, LLC (Frontier Commonwealth); Verizon North LLC (Verizon North); Verizon Pennsylvania LLC (Verizon PA); The United Telephone Company of Pennsylvania d/b/a CenturyLink (CenturyLink); Citizens Telephone Company of Kecksburg; Consolidated Communications of Pennsylvania Company; and Windstream Pennsylvania, LLC (Windstream PA).

ATI plans to provide local exchange service and BIAS as an ETC only to the customers residing in the awarded census blocks that are located in the following local exchanges in the following ILEC service territories in Crawford, Erie and Mercer Counties, i.e., its Designated Area:

²¹ Lifeline and Link Up Reform and Modernization et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Red 7818 (2015) (2015 Lifeline FNPRM); Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Red 3962, 4038, para. 211 (2016) (2016 Lifeline Modernization Order); Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 Red 10475 (2017), vacated and remanded, *National Lifeline Association et al. v. FCC*, Docket Nos. 18-1026, Order issued February 1, 2019 (D.C. Cir. 2019) (2017 Lifeline NPRM and NOD) (collectively Lifeline Reform Orders).

²² Along with the federal funding awarded to ATI in the recent CAF II Auction 903, ATI has also been awarded state funding to assist in constructing a fiber optic network to serve residential, business and institutional customers within a specific geographic area. The state funding includes Pennsylvania Redevelopment Capital Assistance Funds. This dedicated federal and Commonwealth funding entails certain conditions and obligations relevant to the deployment of ATI's planned network and provision of broadband access services that are under the purview of the FCC and the Pennsylvania Governor's Office of Broadband Initiatives. See Governor Wolf Announces Broadband Expansion to Over 9,200 Rural Homes and Businesses, September 20, 2018 Gov. Wolf's Press Release.

ATI Local Exchanges in the ILEC Service Territories

<i>Crawford County</i>	<i>ILEC</i>	<i>Erie County</i>	<i>ILEC</i>	<i>Mercer County</i>	<i>ILEC</i>
Cambridge Springs	Verizon North	Edinboro	Verizon North	Blacktown	CenturyLink
Cochranton	Windstream PA	Erie	Verizon North	Cochranton	Windstream PA
Conneaut Lake	Windstream PA	Fairview	Verizon North	Fredonia	Windstream
Conneautville	Windstream PA	Girard	Verizon North	Greenville	Verizon PA
Guys Mills	Windstream PA	McKean	Verizon North	Grove City	Verizon PA
Jamestown	Windstream PA	North East	Verizon North	Jamestown	Windstream PA
Lincolnton	Verizon North	Union City	Verizon North	Mercer	Verizon PA
Linesville	Windstream PA	Waterford	Verizon North	Sandy Lake	Windstream PA
Meadville	Windstream PA	Wattsburg	Verizon North	Sheakleyville	Windstream PA
Saegertown	Windstream PA			West Middlesex	Verizon PA
Spartansburg	Verizon North				
Titusville	Verizon North				
Townville	Windstream PA				
Westford	Windstream PA				

ATI will use facilities that are company-owned, but, at times, may resell another carrier's services to offer the supported services to residential and business customers.²³ ATI's facilities consist of the latest Gigabit Passive Optical Network (GPON) fiber optic architecture and include Optical Network Terminals (ONTs) at the customers' premises. The services are fully digital using a session initiation protocol (SIP) via a device called a Media Terminal Adapter (MTA) which is built into the ONT. ATI operates its own Class 5 Switch, the Metaswitch, through which all call signals are uncompressed and provisioned using a common G.711ulaw coder-decoder (CODEC) software. Calls that require interconnection offnet either outbound or inbound are routed through ATI's own Class 4 Tandem via a device called a session border controller which directs and terminates the calls. As part of its voice service offerings, ATI proposes to offer stand-alone basic local telephone service, which is a protected service in ATI's Designated Area.²⁴

ATI's Lifeline offering, if approved for ETC purposes, would be eligible for the federal \$7.25 rate of support for voice services.²⁵ Eligible Lifeline customers will have access to a variety of standard features, including voicemail, caller I.D., and call waiting services at the applicable tariff rates and charges. Furthermore, ATI will offer number porting at no charge to its Lifeline customers.²⁶ ATI will also ensure uninterrupted access to 911/Enhanced 911 (E911) emergency services for its Lifeline customers. ATI will bill its customers on a monthly basis and at this time only provides paper billing. ATI's Lifeline

²³ See Petition at 3.

²⁴ July 9, 2019 response to staff inquiry. The CODEC software converts analog audio and video signals into digital format and vice versa. Harry Newton, Steve Schoen, *Newton's Telecom Dictionary*, 31st ed., (Harry Newton, New York, NY, 2018) at 307.

²⁵ The FCC has ruled that Lifeline subsidy support amount for fixed voice-only service will gradually decrease in the following manner:

<i>Effective Date</i>	<i>Mobile-voice only</i>	<i>Fixed-voice only</i>	<i>Mobile Broadband</i>	<i>Fixed Broadband</i>
December 1, 2019	\$7.25	\$7.25	\$9.25	\$9.25
December 1, 2020	\$5.25	\$5.25	\$9.25	\$9.25
December 1, 2021	0*	*0	\$9.25	\$9.25

See 2016 Lifeline Modernization Order, 31 FCC Rcd at 3962, para. 64 (2016).

²⁶ ETCs may not charge Lifeline customers a monthly number portability charge. See 47 CFR § 54.401(e).

customers will be advised of the billing method prior to establishing Lifeline service with ATI. ATI will not charge any of its Lifeline customers installation or equipment fees for voice or broadband service.

ATI understands that Pennsylvania participates in the Lifeline National Eligibility Verifier (National Verifier) program.²⁷ As such all electronic and paper applications are to be certified by the National Verifier, and applicants must physically e-sign an application for Lifeline whether entered by the applicant or ATI staff.²⁸ ATI also understands that the Pennsylvania Department of Human Services (DHS) has established an automated process with the National Verifier to assist with qualification and that all applications for Lifeline are approved by the National Verifier.²⁹ ATI asserts that it will comply with the eligibility determinations from the Lifeline National Verifier regarding potential Lifeline customers. Additionally, ATI states it will de-enroll Lifeline customers who do not receive recertification from the National Verifier in accordance with 47 CFR § 54.405(e)(4).³⁰

Discussion

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific Federal universal service support."³¹ Section 214(e)(2) of the Act provides state commissions with the primary responsibility for performing ETC designations.³² Thus, pursuant to Section 214(e)(2), each certificated telecommunications carrier seeking federal universal service high-cost support must file a petition with the state commission in order to be designated an ETC. In those instances where a state cannot or will not make the requisite ETC designation, the FCC makes the ETC designation.³³ Thus, the Commission reserves the right to review any ETC designation request on a case-by-case basis and grant or deny such designation after considering the circumstances particular to each application.

²⁷ In 2016, the FCC established the National Verifier to make eligibility determinations to enroll eligible subscribers into the Lifeline Program. The National Verifier is further discussed, *infra*.

²⁸ January 23, 2020 response to staff inquiry.

²⁹ *Id.*

³⁰ See ATI's April 24, 2019 supplement at 1.

³¹ 47 U.S.C. § 254(e).

³² 47 U.S.C. § 214(e)(2).

³³ 47 U.S.C. § 214(e)(6).

The Commission has adopted the federal requirements as a starting point for review of a request for ETC designation.³⁴ We also have Pennsylvania-specific guidelines discussed below that a federal high-cost ETC petitioner must satisfy before we can approve its request for ETC designation in Pennsylvania.³⁵ As set forth below, ATI satisfies all federal requirements, including the FCC's Universal Service Order, the 2005 ETC Designation Order, the USF/ICC Transformation Order, the Lifeline Reform Orders, and FCC regulations codifying the requirements of these Orders. ATI also satisfies related Pennsylvania-specific requirements or guidelines.³⁶

I. Federal Requirements for Designation as A High-Cost ETC

Pursuant to 47 U.S.C. § 214(e)(1), an ETC petition must contain the following: (1) a certification that the petitioner offers or intends to offer all services designated for support by the FCC pursuant to Section 254(c); (2) a certification that the petitioner offers or intends to offer the services supported by the federal universal service mechanisms throughout the designated service area "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 ETC); (3) a description of how the petitioner "advertise[s] the availability of [supported] services and the charges therefore using media of general distribution"; and (4) a detailed description of the geographic service area for which it requests an ETC designation from the Commission.³⁷

As the FCC set forth in its 2005 ETC Designation Order,³⁸ a telecommunications carrier must also satisfy these additional mandatory requirements for it to be designated an ETC and thus eligible to receive federal universal service support: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; and (4) that it offers local usage comparable to that offered by the ILEC.³⁹ These requirements were codified in the FCC's rules and regulations.⁴⁰ The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.⁴¹

In addition to meeting these statutory requirements, state commissions must also perform a "public interest" review before approving an ETC designation. 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 car-

rier" for a designated service area, so long as the requesting carrier meets the requirements of Section 214(e)(1).⁴²

Thus, our review of ATI's petition will be done consistent with the federal requirements that must be met in order for an applicant to receive designation as an ETC, as codified, which we have adopted and implemented in the Commonwealth as the minimum standards applicable to ETC designation. Our review of ATI's petition also will be done to ensure consistency with independent Pennsylvania law as an ongoing obligation.

A. The FCC's Rules Governing ETC Designations

1. 47 CFR § 54.101(a) and (b)

Certification Regarding the Offering of All Services Designated for Support

The FCC defines supported service as qualifying voice service and the offering of qualifying broadband services.⁴³ As a condition of receiving support, ETCs must offer qualifying voice service as a standalone service throughout their designated service area and must offer voice telephony services at rates that are reasonably comparable to urban rates.⁴⁴ Accordingly, all ETCs must satisfy these criteria.

All ETCs must offer qualifying voice service using their own facilities, at least in part.⁴⁵ The Commission has interpreted the term "facilities," for purposes of Section 214(e) of the Act, to mean "any physical components of the telecommunications network that are used in the transmission or routing of the services designated for support under section 254(c)(1)."⁴⁶ As explained by the FCC, "a carrier need not offer universal service wholly over its own facilities in order to be designated an eligible carrier because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale."⁴⁷ Facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services⁴⁸ or when service is provided by any affiliate within the holding company structure.⁴⁹

An ETC satisfies its obligation to "offer" qualifying services by being legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting federal USF-related requirements.⁵⁰ Accordingly, a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or

⁴² Verizon PA and Verizon North are not rural ILECs in Pennsylvania. However, Windstream PA and CenturyLink are.

⁴³ 47 CFR § 54.101 (including both eligible voice telephony and eligible broadband Internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); see also USF/ICC Transformation Order, 26 FCC Rcd at 17691-94, paras. 74-89 (describing the "core functionalities of the supported services as 'voice telephony service,'" and as a separate condition of receiving federal high-cost universal service support, all ETCs are required to offer BIAS in their supported area that meets certain basic performance requirements).

⁴⁴ USF/FCC Transformation Order, 26 FCC Rcd at 17693, paras. 80-81; see also 47 CFR § 54.101(b).

⁴⁵ 47 U.S.C. § 214(e)(1); 47 CFR § 54.101. The FCC has exercised forbearance from the provision requiring that providers must provide supported service using at least a portion of their own facilities for certain wireless Lifeline-only providers. See Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Limited Eligible Telecommunications Carrier Designation in New York, Pennsylvania, Virginia, North Carolina, and Tennessee, Order, 24 FCC Rcd 3381 (2009) (Virgin Mobile Order).

⁴⁶ Universal Service Order, 12 FCC Rcd at 8847, para. 128.

⁴⁷ Id. at 8870, para. 169.

⁴⁸ Id. at 8866, para. 160.

⁴⁹ December 2014 CAF Order, 29 FCC Rcd at 15668 n.43; see also 47 U.S.C. § 153(2) (defining an affiliate as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person").

⁵⁰ Cf. Connect America Fund, Report and Order, 28 FCC Rcd 7211, 7215, para. 9 (2013) (Phase II Challenge Process Order) (finding that it is not sufficient for a broadband provider to qualify as an "unsubsidized competitor" if a consumer must obtain voice service from a third party, because that broadband provider would not be offering a voice service).

³⁴ See generally Universal Service Order and the 2005 ETC Designation Order.

³⁵ See ETC Guidelines Order at 4.

³⁶ The Commission's ETC designation review process reflects the current requirements under federal and state law. But the Commission acknowledges that ETC designation requirements imposed under state and federal law may change in response to subsequent developments.

³⁷ See Universal Service Order, 12 FCC Rcd 8776, 8847-76, paras. 130-180.

³⁸ See ETC Designation Order, 20 FCC Rcd at 6380, para. 20 (citing Federal-State Joint Board on Universal Service, Recommended Decision, 19 FCC Rcd 4259, para. 5 (Fed-State Jt. Bd. 2004)).

³⁹ In the 2005 ETC Designation Order, the FCC also established that an ETC may be required to provide equal access if all other ETCs in the service area relinquish their designations. In the USF/ICC Transformation Order, the FCC determined that the above ETC equal access requirement was obsolete and deleted it from 47 CFR § 54.202. The FCC stated because this rule was obsolete, it found good cause to delete it without notice and comment. USF/ICC Transformation Order, FCC Rcd 17872, para. 647 and Appendix A.

⁴⁰ See 47 CFR § 54.202.

⁴¹ 21 U.S.C. § 862; 47 CFR § 1.2002(a)-(b).

by offering a managed voice solution (including Voice-over-Internet Protocol or VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.⁵¹

ATI attests that it will be providing all of the services and functionalities supported by the federal universal service program as set forth in Section 54.101(a) of the FCC's regulations throughout its Designated Area in the Commonwealth of Pennsylvania using at least a portion of its own facilities.⁵²

a. Voice Grade Access to the Public Switched Telephone Network (PSTN)

ATI meets the ETC requirement of being a common carrier. As previously stated, ATI is certificated as a CAP, CLEC and IXCR in Pennsylvania. Moreover, ATI represents that it will extend its voice service in its Designated Area by extending its own fiber network to additional service locations in the Designated Area.⁵³ As such, ATI is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation.⁵⁴

b. Minutes of Use for Local Service

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers at no additional charge. Although the FCC did not set a minimum local usage requirement, in the Universal Service Order, it determined that ETCs should provide some minimum amount of local usage as part of their "basic service" package of supported services.⁵⁵ However, the FCC has determined that a carrier satisfies the local usage requirements by including a variety of local usage plans as part of a universal service offering. ATI has stated that it will offer a variety of local usage plans.⁵⁶ In particular, ATI's telephone service includes unlimited local and long distance.⁵⁷ Additionally, ATI's proposed Lifeline offering, as described, also complies with the local usage requirements established by the FCC. This meets the local calling requirement of 47 CFR § 54.101. In addition to voice services, ATI will provide Lifeline customers with access to a variety of other features at no cost, including voice mail, caller I.D., call waiting services and E911 capabilities.⁵⁸

c. Access to Emergency Services

ATI certifies that it will provide access to 911 and E911 emergency services for all of its customers throughout its entire service area.⁵⁹

d. Toll Limitation Services

Under the language of Section 54.400, the FCC has defined three terms addressing the service provided by an ETC by which a subscriber may prevent toll charges from

accumulating beyond a set point. Specifically, Subsection 54.400(b) of the FCC's regulations defines "toll blocking" as the service a subscriber may elect to not allow outgoing toll calls. Subsection (c) defines "toll control service" as the service a subscriber may elect to specify a set amount of toll usage allowed per month or per billing cycle. Subsection (d) defines "toll limitation service" as a generic term covering either toll blocking or toll control service for ETCs that are incapable of providing both or covering both services.

Section 54.401(a)(2), toll limitation service, does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service. If an ETC charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

ATI's Lifeline service will include unlimited local and long-distance calling. ATI uses toll control to restrict calls to international or premium rate numbers unless the customer requests access in writing to have those controls lifted.⁶⁰ Therefore, the nature of ATI's service eliminates the concern that low-income customers will incur significant charges for long distance calls, risking disconnection of their service.

e. Eligible Broadband Internet Access Services

An ETC subject to a high-cost public interest obligation to offer BIAS must offer BIAS that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service, within the areas where it receives high-cost support.⁶¹

ATI satisfies this requirement because it furnishes broadband Internet access that provides the capability to transmit data to and receive data by wire from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service.⁶² Through the CAF II support received from Auction 903, ATI will extend its existing fiber network to provide broadband Internet access to the Designated Area.⁶³

2. 47 CFR § 54.201

Definition of ETC

Pursuant to Section 153(10) of the Act, "common carrier" is defined as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]" 47 U.S.C. § 153(10). A carrier is eligible under Section 54.201 so long as it offers the services set forth in Section 54.101, either through its own facilities or a combination of its own facilities and the resale of another carrier's services and advertises the availability of the federal universal support services using media of general distribution.⁶⁴ Common carriers that provide services consistent with the requirements of Section 214(e) may be designated ETCs.

As previously found, ATI meets the ETC requirement of being a common carrier. As previously stated, ATI is

⁵¹ See Connect America Fund et al., Order on Reconsideration, 33 FCC Rcd 1380, 1387-88, para. 20 (2018) (rejecting arguments contending that "because VoIP is provided over broadband networks and over-the-top voice options are available, broadband service providers need only offer broadband as a standalone service," and requiring carriers to "offer VoIP over their broadband network on a standalone basis"); cf. Phase II Challenge Process Order, 28 FCC Rcd 7224, n.21 (explaining that a broadband provider would be considered to be providing voice service if it did so through an affiliated competitive local exchange company or "through a managed voice solution obtained from a third party vendor...so long as the broadband provider is the entity responsible for dealing with any customer problems, and it provides quality of service guarantees to end user customers").

⁵² See Petition at 2-3.

⁵³ ATI June 27, 2019 response to Staff inquiry.

⁵⁴ See Petition at 2.

⁵⁵ See Universal Service Order, 12 FCC Rcd 8776, 8813, para. 67. Although the FCC's rules define "local usage" as "an amount of minutes of use of wire center service, prescribed by it, provided free of charge to end users," the FCC has not specified a number of minutes of use. See 47 CFR 54.101(a)(1). See also Federal-State Joint Board on Universal Service, Recommended Decision, CC Docket No. 96-45, FCC 02J-1 (rel. Jul. 10, 2002).

⁵⁶ ATI's April 24, 2019 supplement at 2-3.

⁵⁷ Id.

⁵⁸ See Petition at 2.

⁵⁹ See Petition at 2.

⁶⁰ ATI's April 24, 2019 supplement at 2-3.

⁶¹ 47 CFR §§ 54.101(a)(2) and (c).

⁶² 47 CFR § 54.101(a)(2).

⁶³ ATI's April 24, 2019 supplement at 9.

⁶⁴ The statutory and regulatory requirement to provide supported Lifeline service through a combination of a carrier's own facilities and those of another carrier has in certain instances been obviated through forbearance by the FCC. See, e.g., Virgin Mobile Order. That forbearance is not at issue in this Petition.

certificated as a CAP, CLEC and IXCR in the service territories of Verizon PA, Verizon North and Windstream in Pennsylvania. Moreover, ATI will provide voice service in its Designated Area through its own facilities by extending its fiber network to additional service locations in its Designated Area.⁶⁵ As such, ATI is a common carrier under 47 U.S.C. §§ 214(e)(1) and 214(e)(6) for purposes of ETC designation.⁶⁶

ATI will advertise the availability of its Lifeline services on its website and using media of general distribution.⁶⁷ ATI's Lifeline service page will show the Lifeline service options available, and ATI will seek input and approval from the Bureau of Consumer Services (BCS) before placing this page into service. ATI staffs a local operations center that is open to the public to field calls and assist existing and new subscribers with completing paper applications or the online National Verifier applications.⁶⁸

3. 47 CFR § 54.202

Additional Requirements

ATI also meets the additional requirements for ETC designation as outlined in the Commission's Policy Statement at 52 Pa. Code § 69.2501 and set forth in Section 54.202, as discussed below.

a. 47 CFR § 54.202(a)(1)

Compliance with Service Requirements

In order to satisfy these criteria, an ETC applicant must demonstrate its commitment and ability to provide supported services throughout the Designated Area: (1) by providing services to all customers making a reasonable request for service within the ETC's designated service area; and (2) by submitting a formal network improvement plan that demonstrates how universal service funds will be used to improve coverage, signal strength, or capacity that would not otherwise occur absent the receipt of high-cost support.

To satisfy the first prong and ensure that an ETC serves requesting customers in its designated service area and demonstrates its capability and commitment to provide service throughout its designated service area to all customers who make a reasonable request for service, the FCC requires an ETC to make specific commitments to provide services to requesting customers in the service area for which it is designated. If the ETC's network already passes or covers the potential customer's premises, the ETC should provide service immediately. In those instances where a request comes from a potential customer within the petitioner's certificated service area but outside its existing network coverage, the petitioner should provide service within a reasonable period of time if service can be provided at reasonable cost.

ATI certifies that it will comply with all applicable requirements related to receipt of high-cost support, consistent with 47 CFR § 54.202(a)(1)(i). ATI commits to providing voice and broadband service, including all of the supported services, throughout its Designated Area to all customers making a reasonable request for services, as required by 47 CFR § 54.202(a)(1)(i).⁶⁹ ATI will also offer Lifeline services as required by the FCC's rules at all locations where it has been awarded support in accordance with 47 CFR 54.101(d).⁷⁰

For supported locations in the eligible census blocks, ATI certifies in its Petition that it will satisfy the FCC's deployment obligations at 47 CFR § 54.310(c) applicable to recipients of CAF Phase II support monies awarded through Auction 903. Specifically, ATI's Designated Area in Pennsylvania is throughout the CAF II census blocks in the areas of Mercer, Crawford and Erie Counties listed in its Petition at Exhibit A, identified for location more broadly by local exchange above, and included in the appendix to this Order.⁷¹

The "five-year plan" requirement set forth in 47 CFR § 54.202(a)(1)(ii) is inapplicable to ATI. The FCC has eliminated the five-year improvement plan requirement for price cap carriers, rate-of-return carriers and petitioners seeking ETC designation to become eligible to receive Auction 903 support.⁷² Therefore, since ATI is a winning bidder in Auction 903, it is not required to file a five-year improvement plan with this Commission.

b. 47 CFR § 54.202(a)(2)

Functionality in Emergency Situations

An ETC applicant is required to demonstrate its ability to remain functional in emergency situations. In order to satisfy this criterion, an applicant must demonstrate it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

ATI certifies that it intends to design the network with redundancy to enable continuous service.⁷³ ATI states that the options that are currently contemplated include various batteries and fixed and portable generators.⁷⁴ This will ensure that ATI is capable of rerouting traffic around damaged facilities. Additionally, the ONTs installed at the customers' premises also will have battery back-up for up to eight hours when fully charged.⁷⁵

c. 47 CFR § 54.202(a)(3)

Customer Service and Service Quality Standards

For applicants seeking ETC designation for the purposes of becoming authorized to receive Auction 903 high-cost support, the FCC waived the requirement to submit proof of compliance with consumer protection and service quality standards—finding that the need for such requirements is obviated by specific service quality standards applicable to Auction 903 winning bid areas and specific reporting obligations relating to such standards.⁷⁶ Nonetheless, under independent Pennsylvania law, ATI must still demonstrate that it will satisfy applicable consumer protection and service quality standards. ATI has certified that as a jurisdictional facilities-based CLEC and IXCR carrier in Pennsylvania, it will remain subject to the consumer protection and service quality standards and regulations promulgated by the Commission.⁷⁷

⁷¹ See Order at pp. 7-8.

⁷² See Connect America Fund et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3166, 3168, paras. 216, 220 (2016) (eliminating five-year plan and related progress reports for federal rate-of-return and price cap carriers) (2016 Rate-of-Return Reform Order); see also Notice, WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019) (Auction 903 ETC Public Notice).

⁷³ ATI's April 24, 2019 supplement at 9.

⁷⁴ See Petition at 4.

⁷⁵ ATI's April 24, 2019 supplement at 5. Under independent Pennsylvania law, ATI remains subject to Pennsylvania's state emergency service mandates, including the VoIP Freedom Act at 75 P.S. §§ 2251.1—2251.6. See also *Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013).

⁷⁶ See Auction 903 ETC Public Notice.

⁷⁷ See Petition at 5.

⁶⁵ ATI's April 24, 2019 supplement at 9.

⁶⁶ 47 U.S.C. § 214(e)(1), (e)(6).

⁶⁷ Petition at 2; April 24, 2019 supplement at 2.

⁶⁸ April 24, 2019 supplement at 2.

⁶⁹ Petition at 3.

⁷⁰ Id.

d. 47 CFR § 54.202(a)(4)

Financial and Technical Ability

Generally, a carrier seeking only low-income support under Subpart E, 47 CFR §§ 54.400—54.422, must demonstrate that it possesses the financial and technical ability to provide Lifeline service. A carrier seeking only low-income support also must submit information describing the terms and conditions of any voice telephone service plans and the terms and conditions of any broadband Internet access service plans offered to Lifeline subscribers.

ATI is not seeking an ETC designation for purposes of receiving only Lifeline support. However, ATI must participate in the federal Lifeline program as a condition of receiving an ETC designation to receive high-cost support, and ATI is required to offer Lifeline service to low-income eligible customers or households in its Designated Area. Therefore, the Commission determines that ATI must still demonstrate financial and technical ability to provide Lifeline service.

We find ATI fit to provide Lifeline service in Pennsylvania. As part of our granting its applications to operate as a CAP, CLEC and IXCR in Pennsylvania, we have previously concluded that ATI has demonstrated it is technically, managerially, and financially fit to offer the proposed services. Moreover, we are administratively aware that ATI was one of the successful bidders in the FCC’s CAF II Auction 903 that is aiding with the construction of the planned network facilities in Pennsylvania, and that the FCC’s CAF II bidding process required the substantive demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders.⁷⁸

We also find that ATI has provided the requisite information about its Lifeline service plan offerings. Upon review, ATI in its Petition commits to offering Lifeline services, consistent with the FCC’s rules and the Commission’s rules and guidelines. And ATI’s supplements include the requisite description of its voice and Internet access service offerings for Lifeline subscribers.⁷⁹ Accordingly, we find that ATI meets the requirements of 47 CFR § 54.202(a)(5) and 47 CFR § 54.202(a)(6) as well.

e. 47 CFR §§ 54.202(a)(5) and 54.202(a)(6)

Terms and Conditions of Lifeline Plans

Consistent with our prior determination regarding Section 54.202(a)(4) above, we believe these sections are also applicable to ATI’s ETC designation request. Pursuant to Sections 54.202(a)(5) and 54.202(a)(6), ATI commits to offering Lifeline discounts to qualifying low-income consumers, consistent with the FCC’s rules and the Commission’s rules and guidelines, in all high-cost areas where it is authorized to receive support. ATI’s supplements include the requisite description of the service offerings for Lifeline subscribers.⁸⁰ Accordingly, we find that ATI meets the requirements of 47 CFR § 54.202(a)(5) and 47 CFR § 54.202(a)(6).

⁷⁸ See, e.g., FCC Public Notice, Instructions for Short-Form Application to Participate in the Connect America Fund Phase II Auction Scheduled to Begin on July 24, 2018, AU Docket No. 17-182, (FCC Rel. March 8, 2018), DA 18-182; FCC Public Notice, Technical Guide on Proposed Bidding Procedures for the Connect America Fund Phase II Auction, AU docket No. 17-182, WC Docket No. 10-90, (FCC Rel. August 4, 2018), DA 17-733.

⁷⁹ See April 24, 2019 supplement.

⁸⁰ ATI supplements dated January 9, 2019, February 19, 2019 and April 24, 2019.

f. 47 CFR § 54.202(b)

Public Interest Standard

When making a public interest determination for an ETC designation, the FCC historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner’s service offering.⁸¹ In particular, granting an ETC designation may serve the public interest by providing a choice of service offerings in rural and high-cost areas. However, the value of increased competition, by itself, may not satisfy the public interest test.

In this case, we believe the public interest standard has been met through ATI’s participation in the CAF II process. Such participation will allow ATI to offer voice and broadband data services to areas in Pennsylvania that currently do not have broadband service. ATI was a winning bidder in Auction 903 in the following manner:

<i>Bidder</i>	<i>State</i>	<i>Total Assigned Support for 10-year period</i>	<i>Locations Assigned</i>
Armstrong Telephone Company—Northern Division ⁸²	PA	\$2,642,412.90	1,949

ETC designations in areas where a winning bidder is authorized to receive Auction 903 support serve the public interest. That arises, in part, because approving an ETC designation for ATI permits it to secure the release of the total 10-year support by the FCC from Auction 903 to deploy broadband-capable networks in rural underserved areas in Pennsylvania that might otherwise prove more expensive or longer to deploy.

Receipt of Auction 903 CAF Phase II federal funds is a considerable benefit to Pennsylvania, which is otherwise a net-contributor state to federal USF funding. It will facilitate the provision of additional access to voice and broadband service to Pennsylvania consumers in rural areas that are expensive and difficult to serve. Recipients of CAF Phase II support are required to offer broadband service at modern speeds with latency suitable for real-time applications, including VoIP, usage capacity that is reasonably comparable to comparable offerings in urban areas. ATI certifies that it will abide by the FCC’s rules for broadband services in accordance with 47 CFR § 54.309.⁸³

Certifying ATI as an ETC is in the public interest, pursuant to 47 CFR § 54.202(b), because it will permit ATI to obtain over \$2.6 million in federal high-cost support to provide voice and broadband service to areas that currently do not have modern broadband service.⁸⁴ By selecting ATI as a recipient of CAF II funds, the FCC has recognized that the services that ATI intends to offer will advance the goal of universal service and provide needed broadband service to currently underserved areas. ETC designation will allow ATI to fulfill the requirements of the CAF II and apply the high cost support in Pennsylvania for the purposes it was intended.

⁸¹ Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red. 6422, 6424, para. 4 (2004); Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red 1563, 1565, para. 4 (2004).

⁸² ATI is the CLEC and the entity petitioning for ETC status. Armstrong Telephone Company—Northern Division is an RLEC. Both companies are part of the Armstrong Group of Companies.

⁸³ See Petition at 5.

⁸⁴ Id.

Moreover, ATI may possibly replace current federal price cap ETCs as the only carrier receiving federal USF high-cost support in these local exchanges.⁸⁵ In the December 2014 Connect America Order, the FCC determined that federal price cap carriers can remove their ETC status via the Section 214 process if (1) the census block is determined to be low cost; (2) the census block is served by an unsubsidized competitor offering voice and broadband at speeds of 10/1 Mbps or better to all eligible locations; or (3) the census block is served by a subsidized competitor (another ETC) receiving federal high-cost support to deploy modern networks capable of providing voice and broadband to fixed locations.⁸⁶ While Section 214(e)(4) of the Act enables a price cap ETC to seek relinquishment of its ETC designation, it also requires states (or the FCC if it designated the ETC) to “ensure that *all* customers served by the relinquishing carrier will continue to be served.”⁸⁷ Hence, if all other ETCs in ATI’s Designated Area relinquish their ETC designations, ATI, as the competitive ETC, may be required to ensure that all customers served by the relinquishing carriers in their respective designated service areas will continue to be served.⁸⁸

Since an ETC designation will assist ATI to secure federal universal service high-cost support funding under CAF Phase II in various census blocks in specific local exchanges and also provide voice services while promoting the deployment of advanced telecommunications and BIAS in the relevant areas and locations of the Commonwealth addressed in the Petition, the Commission determines that ETC designation for ATI is in the public interest. It promotes both the FCC’s and the Pennsylvania General Assembly’s goals of preserving and advancing universal service and ensuring the availability of quality telecommunications services at just, reasonable, and affordable rates within rural and high-cost areas. See 66 Pa.C.S. § 3011(2).

g. *47 CFR § 54.202(c)*

Tribal Lands

ETC designation to serve any tribal lands is inapplicable in Pennsylvania, making Section 54.202(c) inapplicable to ATI’s Petition.

h. *47 CFR §§ 54.202(d) and (e)*

Designation as Lifeline Broadband Provider

A Lifeline Broadband Provider (LBP) is a service provider that will provide only Lifeline-supported broad-

band service, and not Lifeline-supported voice service. ATI is not seeking designation as an LBP but as a federal high-cost ETC. Therefore, Sections 54.202(d) and (e) are inapplicable to ATI’s Petition.

4. *47 CFR § 54.203*

ETCs for Unserved Areas

Because ATI’s Petition does not involve service to an unserved area, Section 54.203 is not applicable.

5. *47 CFR § 54.205*

Relinquishment of Universal Service

If at some point in the future ATI seeks to relinquish its ETC designation, ATI agrees to comply with the requirements of Section 54.205 as well as independent state law.

6. *47 CFR § 54.207*

Service Areas

Generally, once an entity is designated an ETC in a service area, it must offer the supported services throughout that entire service area.⁸⁹ The term service area generally means the overall geographic area for which the carrier shall receive support from federal universal service support mechanisms.⁹⁰ A service area is established by a state commission for the purpose of determining universal service obligations and support mechanisms.

ATI was a winning bidder in specific eligible census blocks in Pennsylvania located in local exchanges within the service areas of Verizon PA, Verizon North, Windstream and CenturyLink. Consequently, in its Petition, ATI is seeking ETC designation only in those CAF-eligible census blocks located in local exchanges where it was awarded CAF Phase II support funding via Auction 903. In the ETC Designation Order, the FCC adopted one set of criteria for evaluating the public interest for ETC designations for both rural and non-rural areas.⁹¹ The FCC noted in the ETC Designation Order that the same factors may be analyzed differently or may warrant a different outcome depending on the specifics of the proposed service area and whether it is rural or non-rural.⁹² The Commission notes that ATI is seeking ETC designation below the study (or service) area level of both rural and non-rural ILECs.

A portion of the Designated Area in ATI’s Petition is for specific CAF-eligible census blocks located in local exchanges served by Verizon PA and Verizon North, which are non-rural ILECs in Pennsylvania. Based on our analysis of ATI’s Petition and the applicable law, we conclude that a redefinition analysis is not required and approve ATI’s request for an ETC designation below the study area levels of Verizon PA and Verizon North.⁹³

Conversely, if an area is served by a rural ILEC, the Act defines the service area for the purpose of designating an ETC to be the rural ILEC’s entire study (or service) area for federal universal service support purposes. Generally, when a competitive ETC seeks to serve an area already served by a rural ILEC, Section 214(e)(5) of the Act imposes an additional requirement that the competitive ETC’s service area must conform to the rural ILEC’s service area.⁹⁴ Thus, it is only when an ETC applicant

⁸⁵ Notwithstanding Pennsylvania state law, a state commission must allow an ETC to relinquish its designation in any area served by more than one ETC pursuant to Section 214(e)(4) of the Act if conditions are met. See 47 U.S.C. § 214(e)(2). The relinquishing ETC must provide advance notice of such relinquishment to the state commission. Prior to allowing the relinquishing carrier to cease providing universal service, the state commission must require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. The state commission also must require sufficient notice to the remaining ETC or ETCs to permit the purchase or construction of adequate facilities, with such purchase occurring within a specific time period. See 47 U.S.C. § 214(e)(4).

⁸⁶ See December 2014 Connect America Order, Report and Order, 29 FCC Red 15644, 15663-71, paras. 50–70.

⁸⁷ 47 U.S.C. § 214(e)(4) (emphasis added).

⁸⁸ 2005 ETC Designation Order, 20 FCC Red at 6386, para 36. The FCC stated that under Section 214(e)(4) of the Act, the state commission or, in the case of a common carrier not subject to state commission jurisdiction, the FCC “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.” However, prior to allowing the carrier to cease providing universal service in the area, the remaining ETC or ETCs will be required to ensure that all customers served by the relinquishing carrier will continue to be served. Furthermore, under Section 251(h)(2) of the Act, the Commission may treat another carrier as the incumbent LEC if that carrier occupies a position in the market that is comparable to the position occupied by the incumbent LEC, if such carrier has substantially replaced an incumbent LEC, and if such treatment is consistent with the public interest, convenience and necessity. Moreover, applicable Pennsylvania law notwithstanding, ILECs seeking to relinquish their ETC designations will remain obligated, however, to maintain existing voice service unless and until they receive authority under 47 U.S.C. § 214(a) to discontinue that service. They also will remain subject to the obligation to offer Lifeline service to qualifying low-income consumers or households throughout their service territory.

⁸⁹ 47 U.S.C. § 254(e) (stating that only an ETC is “eligible to receive specific Federal universal service support”).

⁹⁰ 47 CFR § 54.207(a).

⁹¹ ETC Designation Order, 20 FCC Red at 6389-90, paras. 42-43.

⁹² Id.

⁹³ See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Red 5949, 6005-09, paras. 157–168 (2016) (Phase II Auction Order).

⁹⁴ See ETC Designation Order, 20 FCC Red at 6392-95, paras. 48–53.

seeks designation below the study (service) area level of a rural ILEC that redefinition comes into play. If a state commission seeks to designate a competitive ETC in a rural ILEC's service area that differs from the rural ILEC's existing service area, that rural service area must first be redefined under the process set forth under the Act, and the Commission would be required to conduct a cream-skimming analysis to compare the population density of the wire centers in which the ETC applicant seeks designation against that of the wire centers in the study area in which the ETC applicant does not seek designation.⁹⁵

Portions of ATI's requested Designated Area are in two rural ILEC (RLEC) service territories: Windstream PA and CenturyLink. However, instead of seeking an ETC designation throughout the entire RLECs' service territories, ATI is requesting to be designated an ETC below those full-service areas. In particular, ATI seeks an ETC designation only in the CAF-eligible census blocks within these Windstream PA and CenturyLink local exchanges:

- Windstream PA: Cochranon, Conneaut Lake, Conneautville, Guys Mills, Jamestown, Linesville, Meadville, Saegertown, Townville, Westford, Fredonia, Sandy Lake and Sheakleyville.
- CenturyLink: Blacktown.

Under standard ETC requests, the Commission would have to undergo a redefinition analysis of the particular RLEC service territory since the Petitioner requests to serve only portions of the RLECs' service areas and Section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), requires conformance of a competitive ETC's and an RLEC's service areas. However, the FCC has waived its rules regarding the redefinition process for Auction 903 recipients.⁹⁶

In its Phase II Auction Order, the FCC held that for those entities that were seeking to obtain ETC designations solely as a result of being selected as winning bidders for the Auction 903 support, it was best to forbear from applying Section 214(e)(5) of the Act and Section 54.207(b) of the FCC's rules insofar as those sections require that the service area of such an ETC conform to the service area of any RLEC serving an area eligible for Phase II support.⁹⁷ The FCC noted that since price cap ETCs had declined the offer of model-based support and another entity is now receiving that declined support through Auction 903, the incumbent ETC's service area is no longer a relevant consideration in determining the geographic scope of a winning bidder's ETC designation.

Pennsylvania-specific carrier of last resort obligations notwithstanding, the FCC expressly noted that “[i]f the rural telephone affiliate of a [federal] price cap carrier declines the offer of support and another entity is selected as the winning bidder to serve a portion of its area through the competitive bidding process, the incumbent will be replaced by the Phase II competitive bidding recipient in those areas, and the incumbent's legacy service area will no longer be a relevant consideration in determining where the winning bidder should be designated as an ETC.”⁹⁸

Additionally, the FCC noted that forbearing from the service area conformance requirement eliminated the need for redefinition of any RLECs' service areas in the context of the Phase II competitive bidding process.⁹⁹ The FCC directly addressed its previously required “cream-skimming analysis,” an analysis triggered out of the concern that an ETC serving only a relatively low-cost portion of an RLEC's service area might skim only the cream of customers by receiving per line support based on the RLECs' cost of serving the entire service area. The FCC determined that such an analysis is irrelevant since a winning bidder will be the only carrier receiving support to serve a bid area and must serve areas the marketplace would not otherwise serve absent the Auction 903 support.¹⁰⁰ Thus, past “cream-skimming” concerns are not relevant to the CAF II support awarded through a competitive process.¹⁰¹

Here, ATI was a winning bidder in specific eligible census blocks in Windstream and CenturyLink's service areas, and ATI is only seeking ETC designation in those specific census blocks. Even though ATI is seeking ETC designation below the study area level of those RLECs, as explained above, applicable law concerning petitioners seeking ETC designations for the purpose of becoming authorized to receive Auction 903 support dictates that the analysis that the relevant state and the FCC historically undertook when deciding whether to redefine an RLEC's service area is not applicable to this Phase II competitive bidding process.¹⁰²

Based on our analysis of ATI's Petition and the applicable law, we conclude that redefinition is not required and approve ATI's request for an ETC designation below the study area level for each of these RLECs.¹⁰³

B. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

Petitioners must certify that neither the petitioner nor any party to the petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the FCC's rules.¹⁰⁴ ATI certifies that no party to its Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.¹⁰⁵

C. ATI Satisfies the FCC's Rules and Federal Requirements Governing High-Cost ETC Designations

Based upon our review of ATI's Petition, as supplemented, we determine that ATI satisfies all the applicable and relevant FCC rules and federal requirements necessary to obtain an ETC designation for the purpose of receiving Auction 903 high-cost support. We understand that ATI specifically stated in its Petition that it is seeking ETC designation in PA only in the CAF-eligible census blocks within the thirty-three local exchanges located throughout the Verizon Pa, Verizon North, Windstream PA and CenturyLink service territories.¹⁰⁶ This limited

⁹⁵ Id. at 6006-09, paras. 162–68.

¹⁰⁰ Id. at 6008, para. 165. It does not appear to us that the high-cost census blocks where ATI was a successful bidder are the low cost/high density areas that historically have been the focus of the FCC's cream skimming analysis. Rather, by virtue of their inclusion in Auction 903, these are high-cost or extremely high-cost areas.

¹⁰¹ Id.

¹⁰² Cf. Petition of Tri-Co Connections, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania, docket No. P-2018-3005127 (Order entered April 11, 2019) (Tri-Co Connections).

¹⁰³ Id.

¹⁰⁴ See 47 CFR § 1.2002.

¹⁰⁵ See Petition, Exhibit B.

¹⁰⁶ January 14, 2019 Supplement at 9.

⁹⁵ Id.

⁹⁶ See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6005-09, ¶¶ 157–168 (2016) (Phase II Auction Order).

⁹⁷ See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6005-09, paras. 157–168 (2016) (Phase II Auction Order).

⁹⁸ Id. at 6006, para. 159.

designation of ATI as a federal high-cost ETC in the high-cost CAF-eligible census blocks in Pennsylvania is in the public interest.¹⁰⁷

Consumers will benefit from the Commission's decision to designate ATI an ETC in the census blocks specified in its Petition and this Order, which will allow ATI to receive the CAF Phase II support to expand voice and broadband-capable networks with service quality that meets the FCC's and Pennsylvania's requirements. As an ETC receiving federal high-cost support, ATI is obligated to ensure that the support it receives is being used only for the provision, maintenance, and upgrading of facilities and services in the areas where it is designated an ETC. Additionally, because ATI will also be providing voice and BIAS to non-Lifeline customers, we require ATI to comply with applicable Commission and FCC requirements governing the delivery of voice and BIAS to non-Lifeline consumers.

ATI is being designated a federal high-cost ETC only in the CAF-eligible census blocks covered by ATI's award in Auction 903 that are located in Verizon Pa, Verizon North, Windstream and CenturyLink's service territory. The Commission cautions ATI that it may replace the current incumbent ETCs in the future as the only carrier receiving federal high-cost support in the local exchanges where it has received an ETC designation. The Commission acknowledges that an incumbent ETC in ATI's Designated Area may seek and be granted relinquishment by the Commission of its respective ETC designations under 47 U.S.C. § 214(e)(4). If such relinquishment occurs, ATI, as the competitive ETC, will be required to ensure that all customers served by a relinquishing carrier in ATI's Designated Area will continue to be served.

II. Federal Requirements of Eligible Telecommunications Carriers for Universal Service Support for Low-Income Consumers

Upon receipt of a federal high-cost ETC designation, a winning CAF bidder is required to offer Lifeline services and is required to comply with the rules and requirements of the federal Lifeline program. These rules and requirements have now been amended by the FCC's Lifeline Reform Orders and are codified at 47 CFR §§ 54.101, et seq.

The major goal of the FCC's Lifeline Reform Orders was to implement procedures designed to preserve federal USF resources and prevent waste, fraud and abuse. To that end, the FCC codified rules governing the entire process of Lifeline reimbursement from the USF. These changes established defined terms governing the provision of low-income support and established parameters governing a carrier's duties and eligibility for USF low-income support. Specifically, revised Section 54.400 establishes relevant terms and definitions for provision of Lifeline; Section 54.401 defines Lifeline as a non-transferrable retail service; Section 54.403 establishes the Lifeline support amounts that ETCs may seek from the federal USF; and Section 54.404 requires the creation of

the National Lifeline Accountability Database (NLAD),¹⁰⁸ which intends to provide a national database for ETCs to cross-check subscriber eligibility as a means to eliminate the federal USF support for duplicative or otherwise ineligible subscribers.

Further, the Lifeline Reform Orders instituted substantial changes which have impacted consumer qualification for Lifeline, including: Section 54.410 (Subscriber Eligibility Determination); Section 54.416 (Annual Certifications by ETCs); Section 54.417 (Record Keeping Requirements); and Section 54.422 (Annual Reporting for ETCs that Receive Low-income Support). These regulations govern the prerequisite duties of an ETC seeking low-income support from the federal USF.

All current and future ETCs must meet the minimum standards set forth in the FCC's Lifeline Reform Orders. All minimum federal requirements of the FCC's Lifeline Reform Order not expressly discussed herein, are nonetheless applicable to ETC designation requests in Pennsylvania. This includes any subsequent developments in those federal requirements. However, ATI is required to offer Lifeline-supported services only in the high-cost eligible census blocks for which it will receive CAF Phase II high-cost support via Auction 903 support—its Designated Area.¹⁰⁹

A. The FCC's Rules Governing Lifeline

1. 47 CFR § 54.410

Subscriber Eligibility Determination and Annual Certifications

The requirements for subscriber eligibility determination and annual certification requirements in Section 54.410 of the FCC's rules are the major requirements established to prevent waste, fraud, and abuse. These requirements pertain to consumer eligibility factors for Lifeline and the corresponding obligation for continued verification of that eligibility. Thus, every Lifeline consumer's eligibility is to be recertified annually.

In its 2016 Lifeline Order, the FCC established the National Verifier as the entity designated to make eligibility determinations and perform a variety of other functions necessary to enroll eligible subscribers into the Lifeline Program. As outlined in the 2016 Lifeline Order, "[t]he [FCC's] key objectives for the National Verifier are to protect against and reduce waste, fraud, and abuse; to lower costs to the Fund and Lifeline providers through administrative efficiencies; and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience."¹¹⁰ The National Verifier is a centralized system that determines whether subscribers are eligible for Lifeline. The Universal Service Administrative Company (USAC) manages the National Verifier and its customer service department, the Lifeline Support Center. Service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier

¹⁰⁸ NLAD is a national database that allows service providers to check on a real-time, nationwide basis whether a consumer is already receiving a Lifeline Program-supported service. Thus, the NLAD is used to prevent duplicative Lifeline enrollments. In 2016, the FCC established the National Verifier to make eligibility determinations to enroll eligible subscribers into the Lifeline Program. There are a variety of criteria by which an applicant can demonstrate Lifeline eligibility, including income eligibility or participation in various federal assistance programs. USAC, the federal USF administrator, manages both the National Verifier and NLAD. As to ATI's de-enrollment processes, however, as stated *infra*, ATI's ongoing Lifeline requirement remains subject to future developments for Lifeline service in general under state and federal law.

¹⁰⁹ As previously noted, ATI's request for ETC designation was limited to its Designated Area—the census blocks for which it was awarded Auction 903 support. Therefore, ATI is not seeking a Lifeline-only ETC designation for any census blocks outside its Designated Area and is not authorized to offer Lifeline service beyond its Designated Area.

¹¹⁰ 2016 Lifeline Order, 31 FCC Rcd at 4007, para. 128.

¹⁰⁷ In its ETC Petition, ATI's ETC designation request was limited only to those CAF-eligible census blocks for which it had been awarded Auction 903 funding support. We note that this specific request is unlike other Pennsylvania Auction 903 winning bidders that may have included in their ETC designation request certain areas that are adjacent to the CAF-eligible census blocks where they submitted a winning bid. In those instances, the petitioners are not eligible to receive CAF Phase II high-cost support funding via Auction 903 in those adjacent areas and, thus, can only receive a Lifeline-only designation in those areas. Cf. Tri-Co Connections.

through the service provider portal, or consumers can apply on their own by mail or online. USAC will determine if the applicant is eligible for Lifeline.

The National Verifier was fully launched in Pennsylvania in March of 2019 and is the only means used for eligibility determination. New and potential Lifeline consumers will receive their initial income-based eligibility determination by signing into CheckLifeline.org from any computer or mobile device to create an account, receive an eligibility decision, and use the list of service providers in their area to contact one to enroll. ATI must use the National Verifier to verify eligibility for its potential Lifeline customers given USAC's implementation of the National Verifier in Pennsylvania.¹¹¹

Additionally, section 54.410(f) of the federal rules provides for an annual recertification process by which each subscriber's eligibility for Lifeline service must be recertified. 47 CFR § 54.410(f). In Pennsylvania, service providers must use the National Verifier to recertify their Lifeline subscribers. Accordingly, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

The FCC modified Sections 54.410(b)(2)(ii), (c)(2)(ii), and (e) of its rules to clarify that where use of the National Verifier determines the consumer's initial eligibility determination or recertification, the National Verifier is not required to deliver copies of those source documents to the ETC. The FCC determined that this amendment to the rules was consistent with its goals that the National Verifier ease burdens on Lifeline service providers while improving privacy and security for consumers applying to participate in the program.

Further, this amendment brings Section 54.410 of the rules in line with the FCC's stated intent in the 2016 Lifeline Order that Lifeline providers would not be required to retain eligibility documentation for eligibility determinations made by the National Verifier as it presents unnecessary risk to the privacy and security of subscriber information. Thus, ATI is not required to retain documentation of eligibility criteria determinations by the Lifeline National Verifier.¹¹²

ATI must comply with the federal policy for de-enrolling an account from Lifeline support for non-use is consistent with the FCC rules. ATI must certify that if it receives notification from USAC, the administrator of universal service, that a subscriber is receiving Lifeline service from another ETC or if another member of the household is receiving Lifeline service, it will de-enroll that subscriber in accordance with Section 54.405(e)(2) of the FCC's rules. Additionally, if ATI has a reasonable basis to believe that a Lifeline subscriber is no longer eligible to receive Lifeline service, it will notify that subscriber of impending termination of service utilizing a combination of communication methods including calling the subscriber. The subscriber will then have 30 days to demonstrate appropriate eligibility for Lifeline service via NLAD that it is eligible for Lifeline.

Additionally, ATI must certify that it will de-enroll Lifeline customers for non-usage and failure to recertify in accordance with Sections 54.405(e)(3) and (4), respectively, of the FCC's rules. Furthermore, ATI must certify

¹¹¹ For low-income consumers residing in group facilities or at an address shared by multiple households, the FCC's "One Per-Household rule" establishes that a "household" is defined as "any individual or group of individuals who are living at the same address as one economic unit." 47 CFR § 54.400(h). Lifeline applicants may demonstrate at the time of enrollment that another Lifeline recipient resides at their address as part of a separate household.

¹¹² 47 CFR § 54.410(c) and (d).

that it will de-enroll subscribers who have not used their Lifeline service for a period of 30 days. Pursuant to procedures outlined in the FCC's rules, following 30 days of non-usage by a Lifeline subscriber, ATI must send a notice to that subscriber stating that failure to use the service within the next 15 days will result in de-enrollment from Lifeline service. However, where a carrier bills on a monthly basis and collects or makes a good faith effort to collect any money owed within a reasonable amount of time, the Lifeline service provider will not be subject to the non-usage requirements.

ATI agrees it will comply with the National Verifier's consumer eligibility determinations per the applicable FCC rules. This includes the FCC's Lifeline Reform Orders' amendment to the minimum eligibility criteria for consumers to receive Lifeline support, the revision to the eligibility determination process through the use of the National Verifier, and the modification of the annual recertification process as the National Verifier will also recertify subscribers each year.

2. 47 CFR §§ 54.416, 54.417 and 54.422

Annual Certifications, Recordkeeping and Reporting

As previously noted, the FCC's rules contain certain annual certification, recordkeeping, and reporting requirements for ETCs participating in the Lifeline program. For one, a service provider must annually certify in FCC Form 555 that is submitted to USAC that it complies with all applicable federal Lifeline certification procedures. The ETC certifies that it has policies and procedures in place to ensure that the Lifeline subscribers are eligible to receive Lifeline services.¹¹³ Consistent with our prior discussion related to Section 54.410(f), ATI's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC. In any event, ATI in its Petition represents that it will establish procedures to comply with these provisions.

B. *ATI Satisfies All the Federal Requirements Regarding Lifeline*

As a CAF II winning bidder and high-cost ETC, ATI is obligated to offer Lifeline-supported services in its Designated Area. ATI also is obligated to comply with the rules and requirements of the federal Lifeline program, including, inter alia, compliance with the FCC's updated rules for determining subscriber eligibility and annual recertification. Based upon our review of ATI's Petition, as supplemented, we determine that ATI satisfies all the applicable and relevant FCC rules and federal requirements regarding Lifeline.

III. **Pennsylvania-Specific Requirements for ETC Designation**

In addition to the minimum federal standards above, through our ETC Guidelines, ATI must comply with Pennsylvania statutory law and Commission orders which govern Pennsylvania's Lifeline program.¹¹⁴ 52 Pa. Code § 69.2501(b).

A. *Section 3019(f) Requirements*

Section 3019(f) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. § 3019(f), and the Commission's PA Lifeline Order set forth the minimum Pennsylvania requirements for ETCs seeking low income support from the federal Lifeline Program. Section 3019(f) includes the following requirements for ETCs:

¹¹³ 47 CFR § 54.416.

¹¹⁴ Because the FCC's Lifeline Reform Order discontinued the Link-Up support from the federal USF, all references to Link-Up programs are now inapplicable.

(1) All eligible telecommunications carriers certificated to provide local exchange telecommunications service shall provide Lifeline service to all eligible telecommunications customers who subscribe to such service.

(2) All eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of Lifeline services twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements.

(5) Eligible telecommunications carriers shall provide the Department of Public Welfare with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the Department of Public Welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new Lifeline service discount that is not fully subsidized by the federal universal service fund.

ATI certifies that it will comply with the requirements for ETC designation contained in Section 3019(f) of the Code and the Pennsylvania Lifeline Order.¹¹⁵ ATI will provide its Lifeline service to all eligible telecommunications customers who wish to subscribe to such service. ATI will also agree to permit eligible customers to subscribe to such service and who reside within its Designated Area. The company also will agree to permit eligible customers to subscribe to any number of its other telecommunications services at the standard rates for such services. ATI will establish protocols so that whenever a prospective customer in its Designated Area seeks to subscribe to ATI's service, ATI will explicitly advise the customer of the availability of Lifeline service and shall meet federal requirements to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

Furthermore, ATI will inform existing customers of the availability of Lifeline service twice annually by text or email message. To comply with Section 3019(f)(4), ATI must inform existing customers of the availability of Lifeline service twice annually by conspicuous bill insert or message that provides eligibility, benefit and contact information. Finally, ATI will provide the Commonwealth's DHS its Lifeline service descriptions and subscription forms, contact telephone numbers and a listing of the geographic area or areas it serves for use by DHS in providing notification under Section 3019(f)(5).

B. Other Pennsylvania Requirements and Relevant Reporting Requirements

In addition to the Pennsylvania statutory requirements, the Commission has established Lifeline eligibility criteria,

as well as procedures for certification and verification of a consumer's initial and continuing eligibility.¹¹⁶ We note that many Pennsylvania-specific requirements set forth in our PA Lifeline Order such as the requirements for certification and verification of a customer's initial and continued eligibility for Lifeline services have been impacted by Lifeline developments at the federal level. For example, the creation of the NLAD at 47 CFR § 54.404, has led to changes in the Pennsylvania-specific requirements for eligibility verification.

Additionally, ETCs are further ordered to report to the Commission annual changes in Pennsylvania Lifeline enrollment.¹¹⁷ The Commission continues to reserve our right to impose separate state-specific requirements where necessary for the protection of the Commonwealth's consumers. As shown below, ATI commits to complying with relevant requirements set forth in the Pennsylvania Lifeline Order, Tracking Report Order,¹¹⁸ and Policy Statement¹¹⁹ that are applicable to a facilities-based provider.

1. Compliance with Eligibility Certification and Verification

As a condition of its ETC designation, ATI must query the NLAD to ascertain a potential Lifeline applicant's eligibility for service. Compliance with the Lifeline eligibility verification requirements are essential for prevention of waste, fraud and abuse. In particular, all ETCs designated by this Commission are required to take the necessary steps to ensure that Lifeline support paid by the federal USF to the carrier is remitted only for eligible low-income consumers or households.

As stated above, ATI must use the National Verifier when helping consumers apply to the Lifeline Program. In addition, ATI must include a public education component as part of its Lifeline outreach program to ensure that consumers are aware of and can participate in, the eligibility determination from the National Verifier.

By our PA Lifeline Order we also required eligibility be confirmed annually and required "[t]hat LECs offering Lifeline . . . services are directed to recertify their Lifeline . . . customers at least annually in accordance with FCC procedures established at 47 CFR § 54.410 (relating to certification and verification of consumer qualifications for Lifeline).]"¹²⁰

ATI is directed, as a condition of receiving an ETC designation, to ensure all of its Lifeline subscribers are recertified. ATI's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

Prior to recertification, however, we note that the FCC has adopted a reverification process that must occur to determine the continued eligibility of existing Lifeline subscribers. Reverification is the one-time process by the National Verifier to confirm that all existing Lifeline subscribers meet the eligibility standards. Reverification will be performed in groups based on subscribers' enrollment.

¹¹⁵ In Re: Lifeline and Link-up Programs, Docket No. M-00051871 (Order entered May 23, 2005) (PA Lifeline Order).

¹¹⁷ Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005) (Tracking Report Order).

¹¹⁸ Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005).

¹¹⁹ Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741, Final Policy Statement Order (Aug. 2, 2010).

¹²⁰ Pennsylvania Lifeline Order at 27. Both Pennsylvania and the FCC eliminated the Lifeline's subscriber ability to self-certify annually.

¹¹⁵ Petition at 5.

ment dates. Reverification will reset a subscriber's anniversary date. Subscribers will then be recertified one year after the date that they are successfully reverified.¹²¹ Thereafter, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC. Because ATI has no existing Lifeline subscribers, we note that reverification likely will not be required since all ATI's Lifeline customers will be newly certified.

2. Compliance with the Tracking Report Order

As a condition of ETC designation, ETCs are required under Pennsylvania law to report to the Commission annual changes in Lifeline enrollment, per our Tracking Report Order. ATI certifies that it will comply with this requirement to the extent applicable. Consistent with requirements imposed on other ETCs, ATI will provide the Commission's BCS a copy of its annual Lifeline verification results that it files with USAC each year, as well as the FCC Form 497 Lifeline customer reporting worksheet (or any successor form) filed quarterly with USAC.¹²²

The Commission also has imposed the requirement on other Lifeline ETCs that they provide operator services, directory assistance and interexchange access (long distance) to Lifeline subscribers. ATI's customers have the ability to reach directory assistance and operator services. Additionally, given that all of ATI's Lifeline voice offerings would include long distance, all Lifeline customers are afforded such access.¹²³

Further, in order to ensure the Pennsylvania Lifeline program advances the Commonwealth's universal service policy, ATI shall be required to provide to BCS a copy of its annual Lifeline Eligible Telecommunications Carrier Certification Form, FCC Form 555, that it files with USAC.¹²⁴ The FCC Form 555 reports the results of the annual recertification process and includes data accuracy certifications.

3. Chapter 64 Requirements for Standards and Billing Practices

As a condition of designation, ATI agrees to comply with the standards and billing practices set forth in Commission regulations at 52 Pa. Code §§ 64.1—64.213. Compliance with Chapter 64 will ensure that ATI customers receive the same protections as other Pennsylvania telecommunications services customers.

4. Consumer Lifeline-Related Complaints Processed by the Bureau of Consumer Services

As a final condition of designation, ATI agrees to work with BCS to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by ATI Lifeline customers on Lifeline and other related issues.

Consistent with conditions imposed on other Lifeline ETCs, ATI is amenable to cooperating with BCS in resolving any-consumer-related complaints concerning any Lifeline service that ATI offers in Pennsylvania.¹²⁵ ATI will provide BCS with copies of all advertising, promotional and general Lifeline program-related customer notices and communications on an annual basis or

upon request.¹²⁶ Specifically, BCS will address Lifeline-related issues which pertain to the consumers' rights under ATI's Residential Service Agreement, including (1) eligibility disputes; (2) program offering issues; and (3) limited equipment-related issues.

Additionally, ATI agrees to engage in advertising that is directed at promoting the availability of Lifeline service in its Designated Service Area.

Adherence to these Pennsylvania-specific requirements applicable to ETCs designated by the Commission will assure uniformity among Lifeline services offered by different ETCs, will provide consumer protection for low-income consumers, and will enable BCS to monitor Lifeline Program effectiveness in Pennsylvania.

5. Change in Corporate Control and Renewed ETC Designation

In the event of a change of or transfer in corporate control, as defined in Pennsylvania statutory law, case law, and the Commission's regulations at 52 Pa. Code § 63.322, ATI will have to petition this Commission for a renewal of its ETC status. Corporate changes of control may also be accompanied with changes in ETC status of a particular telecommunications entity with reference to the various and evolving support mechanisms of the federal USF. In this respect, this Commission is lawfully entitled to timely re-examine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. For this reason, we shall require ATI to file for renewal of its ETC designation at the same time it files or is implicated in the filing of any application for a change or transfer of control under Pennsylvania law.

6. Provision of ETC Application, Annual Certification and Promotional Materials to the Bureau of Consumer Services

All ETCs are required to supply the Commission's BCS with copies of subscriber Lifeline applications, annual certifications, promotional/advertising materials, and Lifeline-related customer notices to review for current information, consistency with eligibility determination criteria and annual certification requirements, and plain language requirements. Accordingly, as a condition of receiving ETC designation, ATI is directed to provide the Commission with copies of any and all reports submitted to USAC, and, upon request, provide BCS with copies of subscriber Lifeline applications, promotional/advertising materials, annual certifications reports, and Lifeline-related customer notices. Any failure of ATI to comply with these requirements will be a basis for revocation of its ETC designation or other enforcement action.

7. Reporting Requirements for State-Designated ETCs Receiving High-Cost Support

In its 2016 Rate-of-Return Reform Order, the FCC eliminated many of the related reporting obligations for ETCs set forth in Form 481. However, the FCC amended the rules to require ETCs to provide additional detail regarding their broadband deployment during each year. Specifically, ETCs are now required to provide location and speed information of newly-served locations.¹²⁷ Additionally, those ETCs electing to receive CAF Phase II support they were required to provide information for the geo-coded locations where they have newly-deployed voice and broadband services. Additionally, as a condition of receiving high-cost universal service support, ETCs must

¹²¹ See generally PA Lifeline Order and 47 CFR § 54.410.

¹²² April 24, 2019 supplement at 8.

¹²³ Id.

¹²⁴ As previously stated in the discussion of Section 54.410 of the FCC regulations, ETCs designated in Pennsylvania must provide our BCS copies of the reports submitted to USAC for purposes of low-income USF support, these reports include, among others, those listed in our PA Lifeline and Tracking Report Orders.

¹²⁵ In its January 14, 2019 supplement, ATI expressly provided BCS with direct contact information for ATI staff to resolve Lifeline related issues.

¹²⁶ Id.

¹²⁷ See Connect America Fund, Order, 33 FCC Rcd 6509 (2018).

offer broadband service in their Designated Area that meets certain basic performance requirements and submit testing results as part of their annual compliance certification.¹²⁸ Carriers that do not comply with the FCC's speed and latency requirements will be subject to a reduction in support, commensurate with their level of noncompliance. In addition, providers will be subject to audit of all testing data.¹²⁹

ATI must comply with the following reporting requirements. ATI must submit to USAC the geocoded locations to which they have newly deployed broadband. This data will provide an objective metric showing the extent to which ETCs receiving high-cost support are using funds to advance as well as preserve universal service in rural areas, demonstrating the extent to which they are upgrading existing networks to connect rural consumers to broadband. ATI will also be required to report the number of locations at the minimum speeds required by the FCC's rules. The location and speed data will be used to determine compliance with the FCC's associated deployment obligations. The geocoded location information should reflect those locations that are broadband-enabled where ATI is prepared to offer service within ten business days that meets the FCC's minimum requirements for high-cost recipients subject to broadband public interest obligations. Additionally, ATI must meet the specific speed and latency performance obligations to these fixed locations and are also required to submit testing results as part of their annual compliance certification.

ATI must provide annual reports and certifications regarding specific aspects of their compliance with public interest obligations to the FCC, USAC, and this Commission as the relevant state commission. These annual reporting requirements will provide the factual basis underlying this Commission's annual Section 254(e) certification by October 1st of every year that support is being used for the intended purposes.

C. ATI Satisfies All Pennsylvania-Specific Requirements for Lifeline

In addition to the minimum federal standards mentioned above, all ETCs are required to comply with Pennsylvania law and Commission orders which govern Pennsylvania's Lifeline programs. 52 Pa. Code § 69.2501(b). As already determined above, ATI commits to: (1) abide by the applicable eligibility certification and verification requirements set forth in the Commission's PA Lifeline Order; (2) abide by the applicable requirements set forth in the Commission's Tracking Report Order; (3) abide by the Commission's Chapter 64 regulations regarding standards and billing practices, 52 Pa. Code §§ 64.1—64.213; and (4) have consumer Lifeline-related complaints which are unresolved by ATI's customer service, handled by BCS as appropriate and, if not, be resolved through formal or informal Commission processes.

Conclusion

In consideration of the ATI Petition for ETC designation, as supplemented, we conclude ATI satisfies all federal and Pennsylvania-specific requirements for ETC designation. As a federal high-cost ETC designee, ATI must meet the minimum standards set forth in the FCC's Lifeline Reform Orders, reporting and performance metrics set forth in the USF/ICC Transformation Order, and all related regulations. Further, in Pennsylvania, ATI must satisfy the Commission's requirements in the Public

Utility Code, our ETC Guidelines, and all related orders. Designation of ATI as a federal high-cost ETC to secure the federal high-cost support from Auction 903 in the Designated Area's discrete census blocks in its tariffed service area in Pennsylvania is in accord with Section 214 of the Act, the FCC's regulations and orders related to ETC designation, Section 3019(f) of the Code, and the Commission's orders on ETC designation. 47 U.S.C. § 214; 47 CFR §§ 54.201, et seq.; and 66 Pa.C.S. § 3019(f); *Therefore,*

It Is Ordered:

1. The Petition of Armstrong Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania is granted, subject to the terms and conditions set forth in this order.

2. That the Commission grants Armstrong Telecommunications, Inc. a designation as a federal high-cost Eligible Telecommunications Carrier only in the Connect America Fund Phase II-eligible census blocks in the service territories of Verizon Pennsylvania LLC; Verizon North LLC; United Telephone Company of Pennsylvania d/b/a CenturyLink; and Windstream Pennsylvania, LLC as set forth in the body of this Order.

3. That the rules of the Federal Communications Commission regarding the redefinition process as it relates to Armstrong Telecommunications, Inc.'s designation as a federal high-cost Eligible Telecommunications Carrier below the study area level of Verizon Pennsylvania LLC, Verizon North LLC, United Telephone Company of Pennsylvania d/b/a CenturyLink and Windstream Pennsylvania, LLC is inapplicable for the reasons set forth in this Order.

4. That Armstrong Telecommunications, Inc. shall provide updated tariff pages, including Lifeline tariff pages within 30 days of the entry of this Order.

5. That Armstrong Telecommunications, Inc. is required to offer Lifeline service to eligible low-income consumers or households only in those census blocks in its service area for which it will be receiving Connect America Fund Phase II Auction 903 high-cost support as described in this Order.

6. That, upon request, Armstrong Telecommunications, Inc. shall provide the Bureau of Consumer Services with copies of subscriber Lifeline applications and annual certification and promotional materials to review for current information, consistency with eligibility determination criteria and annual certification requirements, and plain language requirements.

7. That Armstrong Telecommunications, Inc. is hereby directed to work with the Bureau of Consumer Services to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by Armstrong Telecommunications, Inc. Lifeline customers on Lifeline and other related issues.

8. That the failure of Armstrong Telecommunications, Inc. to comply with any of the provisions of this Order may result in revocation of its ETC designation(s) for the purposes of receiving federal Universal Service Fund high-cost support and the federal Lifeline support or be subject to further Commission process.

9. That Armstrong Telecommunications, Inc. shall petition this Commission for any future change to the basic Lifeline service offerings provided through this ETC designation as described herein which represents a limitation or reduction of Lifeline services/equipment provided free of charge, and shall provide notice to this

¹²⁸ Id.

¹²⁹ Id.

Commission of any addition, change or new offering which is in addition to the basic Lifeline offering.

10. That Armstrong Telecommunications, Inc. shall petition this Commission for renewal of its Eligible Telecommunications Carrier status at the same time it files or is implicated in the filing of any application for a change or transfer of control as defined in Pennsylvania law.

11. That the Secretary shall serve a copy of this Order on Armstrong Telecommunications, Inc., on the Office of Consumer Advocate, and the Office of Small Business Advocate.

12. That a copy of this Order shall be published in the *Pennsylvania Bulletin*.

13. That this docket shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

Exhibit A

List of Census Blocks in which Armstrong Telecommunications, Inc. Seeks Eligible Telecommunications Carrier Designation

<i>Census Blocks</i>	<i>Block Groups</i>	<i>County</i>
420391105011010	420391105011	Crawford
420391105011035	420391105011	Crawford
420391106002000	420391106002	Crawford
420391106002004	420391106002	Crawford
420391108003027	420391108003	Crawford
420391108004053	420391108004	Crawford
420391120011041	420391120011	Crawford
420391120022077	420391120022	Crawford
420490103012034	420490103012	Erie
420490103012035	420490103012	Erie
420490103012036	420490103012	Erie
420490103012041	420490103012	Erie
420490103012042	420490103012	Erie
420490103012044	420490103012	Erie
420490112014004	420490112014	Erie
420490112014013	420490112014	Erie
420490112014015	420490112014	Erie
420490112014019	420490112014	Erie
420490112014027	420490112014	Erie
420490112014030	420490112014	Erie
420490112014031	420490112014	Erie
420490112014034	420490112014	Erie
420490112014035	420490112014	Erie
420490112014036	420490112014	Erie
420490112014037	420490112014	Erie
420490112014039	420490112014	Erie
420490112014042	420490112014	Erie
420490112014043	420490112014	Erie
420490112014045	420490112014	Erie
420490112014046	420490112014	Erie
420490112014047	420490112014	Erie

<i>Census Blocks</i>	<i>Block Groups</i>	<i>County</i>
420490112014048	420490112014	Erie
420490112014049	420490112014	Erie
420490115071021	420490115071	Erie
420490115071022	420490115071	Erie
420490115071024	420490115071	Erie
420490115071025	420490115071	Erie
420490117021019	420490117021	Erie
420490117021022	420490117021	Erie
420490117021023	420490117021	Erie
420490117021027	420490117021	Erie
420490117021028	420490117021	Erie
420490117021029	420490117021	Erie
420490117021033	420490117021	Erie
420490117024000	420490117024	Erie
420490117024001	420490117024	Erie
420490117024003	420490117024	Erie
420490117024004	420490117024	Erie
420490117024005	420490117024	Erie
420490117024006	420490117024	Erie
420490117024009	420490117024	Erie
420490117024013	420490117024	Erie
420490117024028	420490117024	Erie
420490117024039	420490117024	Erie
420490117024041	420490117024	Erie
420490117025000	420490117025	Erie
420490117025002	420490117025	Erie
420490117025006	420490117025	Erie
420490117025007	420490117025	Erie
420490117025015	420490117025	Erie
420490117025016	420490117025	Erie
420490117025017	420490117025	Erie
420490117025018	420490117025	Erie
420490117025019	420490117025	Erie
420490117025023	420490117025	Erie
420490117025028	420490117025	Erie
420490117025029	420490117025	Erie
420490117025030	420490117025	Erie
420490117025032	420490117025	Erie
420490117025035	420490117025	Erie
420490117025037	420490117025	Erie
420490118011000	420490118011	Erie
420490118011001	420490118011	Erie
420490118011002	420490118011	Erie
420490118011003	420490118011	Erie
420490118011004	420490118011	Erie
420490118011005	420490118011	Erie
420490118011006	420490118011	Erie
420490118011007	420490118011	Erie

<i>Census Blocks</i>	<i>Block Groups</i>	<i>County</i>
420490118011008	420490118011	Erie
420490118011009	420490118011	Erie
420490118011012	420490118011	Erie
420490118011013	420490118011	Erie
420490118011014	420490118011	Erie
420490118011015	420490118011	Erie
420490118011016	420490118011	Erie
420490118011017	420490118011	Erie
420490118011019	420490118011	Erie
420490118011020	420490118011	Erie
420490118011024	420490118011	Erie
420490118011033	420490118011	Erie
420490118011034	420490118011	Erie
420490118011035	420490118011	Erie
420490118011036	420490118011	Erie
420490118013004	420490118013	Erie
420490118013010	420490118013	Erie
420490118013011	420490118013	Erie
420490118013014	420490118013	Erie
420490118013016	420490118013	Erie
420490118013017	420490118013	Erie
420490118013019	420490118013	Erie
420490118013021	420490118013	Erie
420490118013033	420490118013	Erie
420490118013034	420490118013	Erie
420490118013035	420490118013	Erie
420490118013037	420490118013	Erie
420490118013039	420490118013	Erie
420490118013040	420490118013	Erie
420490120011005	420490120011	Erie
420490120011011	420490120011	Erie
420490120011014	420490120011	Erie
420490120011017	420490120011	Erie
420490120011018	420490120011	Erie
420490120011019	420490120011	Erie
420490120011020	420490120011	Erie
420490120011021	420490120011	Erie
420490120011022	420490120011	Erie
420490120011023	420490120011	Erie
420490120011024	420490120011	Erie
420490120011025	420490120011	Erie
420490120011026	420490120011	Erie
420490120011033	420490120011	Erie
420490120011034	420490120011	Erie
420490120011035	420490120011	Erie
420490120011036	420490120011	Erie
420490120011039	420490120011	Erie
420490120011041	420490120011	Erie

<i>Census Blocks</i>	<i>Block Groups</i>	<i>County</i>
420490120011043	420490120011	Erie
420490120011044	420490120011	Erie
420490120011045	420490120011	Erie
420490120011046	420490120011	Erie
420490120011047	420490120011	Erie
420490120011048	420490120011	Erie
420490120011050	420490120011	Erie
420490120011051	420490120011	Erie
420490120011052	420490120011	Erie
420490120011055	420490120011	Erie
420490120011056	420490120011	Erie
420490120011057	420490120011	Erie
420490120011058	420490120011	Erie
420490120011061	420490120011	Erie
420490120011062	420490120011	Erie
420490120011064	420490120011	Erie
420490120011066	420490120011	Erie
420490121002000	420490121002	Erie
420490121002002	420490121002	Erie
420490121002003	420490121002	Erie
420490121002004	420490121002	Erie
420490121002010	420490121002	Erie
420490121002011	420490121002	Erie
420490121002024	420490121002	Erie
420490121002033	420490121002	Erie
420490121002036	420490121002	Erie
420490121002037	420490121002	Erie
420490121002038	420490121002	Erie
420490121002040	420490121002	Erie
420490121002041	420490121002	Erie
420490121002045	420490121002	Erie
420490121002046	420490121002	Erie
420490121002052	420490121002	Erie
420490121002053	420490121002	Erie
420490121002056	420490121002	Erie
420490121002071	420490121002	Erie
420490121002072	420490121002	Erie
420490121002077	420490121002	Erie
420490121002085	420490121002	Erie
420490121002087	420490121002	Erie
420490121002088	420490121002	Erie
420490121004005	420490121004	Erie
420490121004006	420490121004	Erie
420490121004007	420490121004	Erie
420490121004008	420490121004	Erie
420490121004010	420490121004	Erie
420490121004011	420490121004	Erie
420490121004013	420490121004	Erie

<i>Census Blocks</i>	<i>Block Groups</i>	<i>County</i>
420490121004024	420490121004	Erie
420490121004025	420490121004	Erie
420490121004026	420490121004	Erie
420490121004029	420490121004	Erie
420490121004031	420490121004	Erie
420490121004036	420490121004	Erie
420490121004039	420490121004	Erie
420490121004052	420490121004	Erie
420490121004053	420490121004	Erie
420490121004055	420490121004	Erie
420490121004058	420490121004	Erie
420490121004062	420490121004	Erie
420490121004063	420490121004	Erie
420490121004064	420490121004	Erie
420490121004067	420490121004	Erie
420490121004078	420490121004	Erie
420490121004081	420490121004	Erie
420490121004085	420490121004	Erie
420490122013000	420490122013	Erie
420490122013001	420490122013	Erie
420490122013010	420490122013	Erie
420490122013012	420490122013	Erie
420490122013013	420490122013	Erie
420490122013014	420490122013	Erie
420490122013015	420490122013	Erie
420490122013016	420490122013	Erie
420490122013018	420490122013	Erie
420490122013019	420490122013	Erie
420490122013033	420490122013	Erie
420850318002034	420850318002	Mercer
420850318002045	420850318002	Mercer
420850318003139	420850318003	Mercer
420850318003141	420850318003	Mercer
420850318004004	420850318004	Mercer

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be

filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 9, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2020-3015760. Brown-Fleming Marketing & Consulting GP, LLC, t/a Brown-Fleming Couriers (1924 State Street, # 2A, Harrisburg, Dauphin County, PA 17103) in paratransit service, from points in the Mechanicsburg Borough, Cumberland County, to points in Pennsylvania, and return.

A-2020-3017606. Precious Cargo Transportation, LLC (6958 Ogontz Avenue, Philadelphia, PA 19138) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, and the Counties of Bucks and Montgomery, to points in Pennsylvania, and return.

A-2020-3018067. Frank's Limo Service, LLC, t/a Frank's Limo Service (106 Allen Drive, Exton, Chester County, PA 19341) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2020-3016028. On the Go Movers, Inc., t/a Two Men and a Truck 0554 (10228 Governor Lane Boulevard, Suite 3011, Williamsport, MD 21795) household goods in use between points in Pennsylvania.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2020-3017707. Betterchoice Limo & Car Service, Inc. (2904 Walnut Ridge Estate, Pottstown, Montgomery County, PA 19464) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6415119, persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2020-3017865. MTR Transportation, Inc., t/a K-Cab Co. (P.O. Box 274, Mifflinville, PA 18631) for the discontinuance of service and cancellation of its certificate, at A-00116855, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, between points in the Town of