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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held July 15, 2021 |
| Commissioners Present: |  |

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| Gladys Brown Dutrieuille, Chairman | | |
| David W. Sweet, Vice Chairman | | |
| John F. Coleman, Jr. | |
| Ralph V. Yanora | |
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| Petition of Armstrong Telecommunications, Inc. to Amend its Designation as an Eligible Telecommunications Carrier | P-2018-3005035 |

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for disposition is an Application for Amended Designation as An Eligible Telecommunications Carrier (ETC) filed by Armstrong Telecommunications, Inc. (ATI) (Petition). [[1]](#footnote-1) Specifically, ATI is requesting the Commission to amend its existing ETC designation and designate it as an ETC in the eligible census blocks where it submitted winning bids in the Federal Communications Commission’s (FCC) Rural Digital Opportunity Fund Auction (“RDOF Auction” or “Auction 904”) that was conducted in 2020.[[2]](#footnote-2) Granting ATI’s Petition would result in an amendment to the Designated Service Area where ATI had been initially designated as an ETC in the Commonwealth of Pennsylvania at the above-captioned docket following the FCC’s 2018 Connect America Fund Phase II Auction 903 (CAF II Auction or Auction 903).[[3]](#footnote-3)

Per the rules of Auction 904, ATI is required to certify with the FCC that it has been designated an ETC in the eligible census blocks in Pennsylvania where it has been awarded federal high-cost support to provide standalone voice and/or broadband internet access services (BIAS) to identified locations.[[4]](#footnote-4)

The Commission has 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 in the Auction 904-eligible census blocks. Accordingly, the Commission has determined that ATI meets the statutory criteria and applicable minimum standards necessary under state and federal law to obtain an ETC designation in the Auction 904-eligible census blocks and that it is in the public interest to designate ATI an ETC in the Auction 904-eligible census blocks where it will receive federal high-cost support to deploy and maintain networks capable of providing standalone voice and/or broadband services.[[5]](#footnote-5) By making such a finding we affirmatively amend ATI’s current ETC Designated Service Area, which only consisted of the Auction 903-eligible census blocks, and have expanded the designated service area so that it now also encompasses the Auction 904-eligible census blocks, *i.e.* Amended Designated Service Area.

As a condition of receiving this ETC designation, ATI is also required to participate in the federal Lifeline program and must offer Lifeline service to qualified low‑income eligible customers or households throughout its Amended Designated Service Area only in accordance with applicable federal and Pennsylvania law. ATI’s Petition is hereby approved under the applicable federal statutory criteria and other relevant federal and Pennsylvania law*.*

**BACKGROUND**

**A. FCC’s Re-Purposing of the High Cost Program of the Federal Universal Service Fund**

In 2011, the FCC concluded that the deployment of broadband-capable networks would also be an express universal service principle under Section 254(b) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 254(b).[[6]](#footnote-6) For this reason, the FCC comprehensively reformed the High Cost Program of the federal Universal Service Fund (USF) so that it would ensure that robust, affordable voice and broadband services become available to all Americans living in rural areas across the nation.[[7]](#footnote-7)

Up to that time, the six pre-existing programs within the High Cost Program only supported the provisioning of voice service.[[8]](#footnote-8) In order to accomplish its goal of ensuring all Americans had access to both voice service and robust broadband service, the FCC repurposed the six pre-existing programs so that it would distribute federal high-cost support to recipients to provision both fixed broadband and voice service throughout their service territories. Concomitant with this repurposing, the FCC also renamed the federal High Cost program the Connect America Fund (CAF). With the CAF, the FCC determined that it would begin to distribute federal high-cost support in the areas served by the incumbent local exchange carriers that operate as “price cap” carriers under federal law through the use of a combination of a “new forward-looking model of the cost of constructing modern multi-purpose networks” and a competitive bidding process.[[9]](#footnote-9)

**B. FCC’s Efforts to Modernize the Federal Lifeline Program**

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. Beginning in 2012, the FCC took several steps to comprehensively reform and modernize the Lifeline program in the *2012 Lifeline Reform Order* by improving enrollment and consumer disclosures and eliminating the previous system of tiered support and setting an interim funding rate of $9.25 per month per eligible subscriber or household.[[10]](#footnote-10)

These reforms were adopted by the FCC to strengthen protections against waste, fraud, and abuse in the federal Lifeline program by, among other things: setting a savings target; improved program administration and accountability by creating a National Lifeline Accountability Database (NLAD) to prevent multiple carriers from receiving support for the same household; and confirming a one-per-household rule applicable to all consumers and Lifeline providers in the program.[[11]](#footnote-11) The FCC also took preliminary steps to modernize the federal Lifeline program by, among other things, allowing Lifeline support for bundled service plans combining voice and broadband or packages including optional calling features.[[12]](#footnote-12) The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program, further

connecting low-income Americans to voice services and now, broadband access.[[13]](#footnote-13) These modified requirements have been codified in the FCC’s rules and regulations at Title 47, Chapter I, Part 54, Subpart E, which governs universal service support provided to low-income consumers.

**C. CAF Phase II Auction**

The FCC contemplated that its new competitive bid process to disburse federal high-cost support to common carriers would be done as “reverse auctions” and rolled-out in several phases. The second phase of the CAF, but first descending clock, reverse auction, was Auction 903 held in 2018. Auction 903 awarded up to $198 million annually for 10 years to the winning bidders that had committed to provide voice and fixed broadband services to specific locations in unserved high-cost areas, including areas in Pennsylvania.

ATI was a winning bidder in Auction 903 and was awarded $2,642,412.90 of federal high-cost support to provide voice and broadband services to 1,949 identified locations situated within 117 eligible census blocks that were located in the Commonwealth of Pennsylvania.[[14]](#footnote-14) In the *ATI Auction 903 ETC Order*, the Commission designated ATI a federal high-cost ETC in those specific high-cost areas only.[[15]](#footnote-15) In the *ATI Auction 903 ETC Order*, the Commission found that ATI met all applicable requirements for an ETC designation, including the federal requirements for a high-cost ETC designation at 47 C.F.R. § 54.101, the additional federal requirements for obtaining an ETC designation at 47 C.F.R. §§ 54.202 and 54.207, the FCC’s requirements related to Lifeline service at 47 C.F.R. §§ 54.410, 54.416, 54.417, and 54.422, and the Pennsylvania-specific requirements for an ETC designation. As such, ATI was able to certify to the FCC that it was designated an ETC by this Commission and, thus, eligible to receive the awarded Auction 903 federal high-cost support in those specific eligible census blocks.

**D. Implementation of the Rural Digital Opportunity Fund**

The FCC acknowledged that Auction 903 was a significant step towards addressing the rural “digital divide” in America, but that more work needed to be done to accelerate the deployment of access to broadband in these unserved and underserved communities. Consequently, on August 1, 2019, the FCC adopted a Notice of Proposed Rulemaking (NPRM) proposing to establish the $20.4 billion RDOF Auction as its next step in bridging the rural digital divide in America.[[16]](#footnote-16) Specifically, the FCC sought to allocate this federal universal service high-cost support to a certain number of locations in eligible census block groups (CBGs) across the United States, including areas in Pennsylvania which were entirely unserved by broadband service at least 25/3 Mbps.[[17]](#footnote-17)

On January 30, 2020, the FCC adopted the *RDOF Order*, which established the framework for the RDOF. [[18]](#footnote-18) The FCC determined that the RDOF would target federal high-cost support to areas that lacked access to both fixed voice and 25/3 Mbps broadband services in two phases: Phase I of the RDOF will assign up to $16 billion for those census blocks that are wholly unserved with broadband at speeds of 25/3 Mbps, and Phase II will make the remaining $4.4 billion, along with any unawarded funds from Phase I available for those census blocks that it later determined through the Digital Opportunity Data Collection, or suitable alternative data source, are only partially served, as well as census blocks unawarded in the Phase I auction.[[19]](#footnote-19)

Phase I of the RDOF Auction began on October 29, 2020 and ended on November 25, 2020. On December 7, 2020, the FCC announced the winning bidders for Phase I of the RDOF auction. [[20]](#footnote-20) ATI was named amongst the companies that had been awarded federal high-cost support to bring broadband to over five million homes and businesses across the nation in census blocks that were entirely unserved by voice and broadband with download speeds of at least 25 Mbps.[[21]](#footnote-21) With the receipt of this federal high-cost support from Auction 904, ATI is expected to provide both standalone voice and BIAS at 1 Gbps/500 Mbps to 536 eligible locations in 209 eligible census blocks in Pennsylvania.[[22]](#footnote-22)

**E. ATI’s RDOF ETC Petition and Supplements**

On February 4, 2021, ATI filed this Petition. In its Petition, ATI stated that since it was previously designated an ETC in the Commonwealth of Pennsylvania at this docket in the *ATI Auction 903 ETC Designation Order*, it now requests that the Commission amend its previous ETC designation to encompass the 536 eligible locations in 117 eligible census blocks where it has been awarded Auction 904 support. Thus, ATI requests to amend its ETC designation to add only the 117 census blocks where it has been awarded RDOF Phase I high-cost funding support by the FCC in Auction 904. As identified in Appendix A, Auction 904 federal high-cost support has been assigned to various census blocks located in Allegheny, Butler, Chester, Crawford, Fayette, Mercer and Washington Counties, respectively. As noted below, these various eligible census blocks are scattered throughout the service territories of the following incumbent local exchange carriers (ILECs) operating in those counties: Consolidated Communications of Pennsylvania Company, LLC (Consolidated Communications), The United Telephone Company of Pennsylvania LLC f/d/b/a CenturyLink n/k/a/ Lumen,[[23]](#footnote-23) Verizon Pennsylvania LLC (Verizon PA), Verizon North LLC (Verizon North) and Windstream Pennsylvania LLC (Windstream PA). Both the counties and rural ILECs (Consolidated, Lumen, and Windstream PA) and non-rural ILECs (Verizon North and Verizon PA) local exchange carriers where the Auction 904 eligible census blocks are located are illustrated below.

**Local Exchanges in Rural Incumbent Local Exchange Carriers’ Service Territories—**

**Auction 904**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Allegheny County** | **ILEC** | **Butler County** | **ILEC** | **Crawford County** | **ILEC** | **Mercer County** | **ILEC** |
| Wexford | Consolidated Communications | Butler | CenturyLink  (n/k/a Lumen) | Meadville | Windstream, PA | Fredonia | Windstream, PA |
|  |  | Connoquenessing | CenturyLink  (n/k/a Lumen) | Westford | Windstream PA |  |  |
|  |  | Saxonburg | Consolidated Communications |  |  |  |  |
|  |  | Cooperstown | Consolidated Communications |  |  |  |  |

**Local Exchanges in Non-rural Incumbent Local Exchange Carriers’ Service Territories—Auction 904**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Butler** | **ILEC** | **Chester County** | **ILEC** | **Fayette County** | **ILEC** | **Mercer County** | **ILEC** | **Washington County** | **ILEC** |
| Zelienople | Verizon, PA, Inc | Oxford | Verizon, PA, Inc. | Dawson | Verizon, PA, Inc. | Wesley | Verizon, PA, Inc. | California | Verizon, PA, Inc. |
|  |  |  |  | Connellsville | Verizon, PA, Inc. |  |  | Brownsville | Verizon, PA, Inc. |

In its Petition, ATI states that it will use facilities that are company-owned, and at times may resell another carrier’s services to offer the supported services to residential and business customers.[[24]](#footnote-24) ATI states that it intends to provide its services with a combination of Time Division Multiplex (TDM) and Internet Protocol (IP) technologies. TDM is used in traditional telecommunications service and involves analog ATI technology. ATI will interface with both technologies to ensure reliable service to their customers.[[25]](#footnote-25) ATI intends to use its own switching facilities and obtain transport from other providers when needed.[[26]](#footnote-26) As part of its voice service offerings, ATI proposes to offer standalone basic local telephone service, which is a protected service in ATI’s Amended Designated Area.[[27]](#footnote-27) Additionally, ATI certifies that it will ensure uninterrupted access to 911/Enhanced 911 (E911) emergency services for its customers.[[28]](#footnote-28)

ATI also certifies that its Lifeline offering to eligible low-income consumers would be eligible for the federal $5.25 rate of support for voice services.[[29]](#footnote-29) 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. [[30]](#footnote-30) Furthermore, ATI will offer number porting at no charge to its Lifeline customers.[[31]](#footnote-31) ATI will bill its customers on a monthly basis and at this time only provides paper billing. ATI’s Lifeline customers will be advised of the billing method prior to establishing Lifeline service with ATI.[[32]](#footnote-32) ATI will not charge any of its Lifeline customers installation or equipment fees for voice or broadband service.[[33]](#footnote-33)

Notice of ATI’s Petition was published in the *Pennsylvania Bulletin* at 51 Pa.B. 1944 on April 3, 2021. No comments were filed in response to ATI’s Petition. ATI also filed supplements to its original Petition that set forth additional pertinent information. The Commission notes that upon receipt of a high-cost designation from the relevant authority, RDOF winning bidders are required to comply with the same long-form application process the FCC adopted for Auction 903.[[34]](#footnote-34) Consequently, ATI will still have to submit a long-form application to the FCC and become subject to a thorough financial and technical review by the FCC prior to ultimately receiving the Auction 904 support if the Commission designates ATI an ETC in the Auction 904-eligible census blocks.

**DISCUSSION**

Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive Federal universal service support.”[[35]](#footnote-35) Consequently, a common carrier first must be designated an ETC according to subsections (2), (3), or (6) of Section 214(e) of the Act in order to be eligible to receive federal high-cost universal service support in accordance with section 254 of the Act.[[36]](#footnote-36) Pursuant to Section 214(e)(2) of the Act, state commissions have the primary responsibility for performing ETC designations for common carriers seeking to obtain federal high-cost funding support .[[37]](#footnote-37) Only in those instances where a state cannot or will not make the requisite ETC designation, will the FCC make the ETC designation.[[38]](#footnote-38)

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. Thus, the Commission will review ATI’s Petition, as supplemented, to determine if it satisfies the federal and state law criteria to receive a designation as a high-cost ETC in the Auction 904-eligible census blocks.

**GOVERNING AUTHORITY**

**A. Requirements for Designation as a High-Cost ETC**

Pursuant to 47 U.S.C. § 214(e)(1), in order to obtain an ETC designation and become eligible to receive federal high-cost universal service support, a common carrier[[39]](#footnote-39) must satisfy the following criteria:[[40]](#footnote-40) (1) certify that it offers or intends to offer all services designated for support by the Commission pursuant to section 254(c) of the Act;[[41]](#footnote-41) (2) certify that it offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier’s services;[[42]](#footnote-42) (3) describe how it advertises the availability of the supported services and the charges therefor using media of general distribution;[[43]](#footnote-43) and (4) describe the geographic service area for which it requests to be designated an ETC.[[44]](#footnote-44)

The FCC adopted additional requirements for parties seeking ETC designation that were codified at 47 CFR § 54.202.[[45]](#footnote-45) As such, a telecommunications carrier must also satisfy the following additional mandatory requirements for it to be designated an ETC and thus eligible to receive federal universal service support: (1) certify that it will comply with the service requirements applicable to the support that it receives in its proposed service area;[[46]](#footnote-46) (2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area;[[47]](#footnote-47) (3) demonstrate its ability to remain functional in emergency situations, including a demonstration that 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;[[48]](#footnote-48) (4) demonstrate that it will satisfy applicable consumer protection and service quality standards;[[49]](#footnote-49) and (5) offer local usage comparable to that offered by the ILEC.[[50]](#footnote-50)

The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.[[51]](#footnote-51) Specifically, the FCC requires a party seeking ETC designation certify that neither it, nor any party to the application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.

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

The Commission has adopted these federal standards under independent Pennsylvania law as a starting point for review of a request for ETC designation.

We also have Pennsylvania-specific guidelines that an ETC petitioner must satisfy before we can approve its request for designation as an ETC in Pennsylvania.[[52]](#footnote-52)

**B. FCC Rules Governing the Federal Lifeline Program**

Beginning in 2012, the FCC took several steps to comprehensively reform and modernize the Universal Service Fund’s Lifeline program.[[53]](#footnote-53) The reforms, adopted in the *2012 Lifeline Reform Order*, focused on changes to eliminate waste, fraud, and abuse in the federal Lifeline program by, among other things: setting a savings target; creating a National Lifeline Accountability Database (NLAD) to prevent multiple carriers from receiving support for the same household; and confirming a one-per-household rule applicable to all consumers and Lifeline providers in the program.[[54]](#footnote-54) It also took preliminary steps to modernize the federal Lifeline program by, among other things, adopting express goals for the program and allowing Lifeline support for bundled service plans combining voice and broadband or packages including optional calling features.[[55]](#footnote-55) These modified requirements were codified in the FCC’s rules and regulations at Title 47, Chapter I, Part 54, Subpart E, which governs universal service support provided to low-income consumers.

**1. 47 C.F.R. § 54.405**

**Lifeline service provider obligations.**

All high-cost ETCs must certify that they do the following: (1) make available Lifeline service, as defined in § 47 C.F.R. § 54.401, to qualifying low-income consumers; (2) publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service; (3) explain in its marketing materials using easily understood language that the Lifeline program is a federal government assistance program that provides a monthly subsidy that lowers the monthly cost of phone or internet service (but not both) and is available only to one eligible consumer per household, not per person and that the benefit is non-transferable once the customer is enrolled into the program; and (4) disclose its name on all marketing materials describing the service.

**2. 47 C.F.R. § 54.410**

**Subscriber Eligibility Determinations and De-enrollments**

All high-cost ETCs must certify that they first ensure that their potential Lifeline subscribers are eligible to receive Lifeline services.[[56]](#footnote-56) In Pennsylvania, all ETCs must receive a notice from the National Verifier that their potential Lifeline subscribers are eligible to receive Lifeline services.[[57]](#footnote-57) Lifeline service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier through the service provider portal that links to the National Verifier, or consumers can apply on their own by mail or online.[[58]](#footnote-58)

As Pennsylvania is a National Verifier state, ATI must query the NLAD to ascertain a potential Lifeline applicant’s eligibility for service as determined by the National Verifier. Thereafter, once it has been verified that the consumer is eligible to qualify for Lifeline Service, the ETC may provide the consumer with an activated device that it represents enables use of Lifeline-supported service.

Further, a Lifeline service provider must certify that it complies with the FCC federal policy rules for de-enrolling an account from Lifeline support.[[59]](#footnote-59) There are several situations that might result in subscriber de-enrollment from Lifeline-supported service: (1) de-enrollment because the service provider has a reasonable basis to believe a subscriber is no longer eligible to receive a Lifeline benefit;[[60]](#footnote-60) (2) de-enrollment for duplicative support;[[61]](#footnote-61) (3) de-enrollment for non-usage;[[62]](#footnote-62) (4) de-enrollment for failure to re-certify;[[63]](#footnote-63) and (5) de-enrollment requested by the subscriber.

**3. 47 C.F.R. §§ 54.416, 54.417 and 54.422**

**Annual Certifications and Reporting to USAC**

ETCs must certify that they will comply with annual certification requirements relating to the Lifeline program such as certifying annually that they are in compliance with the minimum service levels set forth in 47 C.F.R. § 54.408.[[64]](#footnote-64) ETCs are required to annually certify compliance with the applicable minimum service level rules by submitting Form 481 to USAC.[[65]](#footnote-65)

**C. Pennsylvania-Specific Requirements for Lifeline Program**

In addition to the federal Lifeline standards above, the Commission also has adopted minimum service standards to govern the federal Lifeline program.[[66]](#footnote-66) Section 3019(f) of the Pennsylvania Public Utility Code (Code), 66 Pa. C.S. § 3019(f), sets forth the minimum Pennsylvania requirements for ETCs seeking low-income support from the federal Lifeline Program.

In addition to the above Pennsylvania statutory requirements, the Commission also established other Lifeline eligibility criteria via orders.[[67]](#footnote-67) To the extent that federal law or federal requirements for Lifeline service have not preempted or made Pennsylvania state-specific Lifeline requirements obsolete, they remain applicable to all Lifeline service providers. For example, our *PA Lifeline Order*[[68]](#footnote-68) requires ETCs to verify the ongoing eligibility of their Lifeline subscribers and submit an annual re-certification of that verification. However, we note that pursuant to the federal rules, 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.

Additionally, ETCs are required to report to the Commission annual changes in Pennsylvania Lifeline enrollment. such as the requirements for certification and verification of a customer’s initial and continued eligibility for Lifeline services have been impacted by developments at the federal level. Thus, ETCs must certify that they will comply with relevant requirements set forth in the *Pa. Lifeline Order*, *Tracking Report Order*, and *Policy Statement*.

**ANALYSIS**

In order to obtain an ETC designation to receive federal high-cost support in the eligible Auction 904-census blocks, the Commission must find that ATI is a common carrier and that it has adequately certified that, among other things, it offers or intends to

offer all federal high-cost supported services[[69]](#footnote-69) as described in 47 C.F.R. § 54.101 either using its own facilities or a combination of its own facilities and resale of another carrier’s services throughout its designated service territory.

As mentioned above, ATI has been previously designated a high-cost ETC in various eligible census blocks located in Pennsylvania where it receives Auction 903 federal high-cost support. Consequently, this Commission is already significantly familiar with the facilities that ATI utilizes to offer its qualifying supported services and the facts and certifications in support of its Petition for Amended Designation.

ATI is a current facilities-based provider of broadband and standalone voice telecommunications services in the Commonwealth of Pennsylvania.[[70]](#footnote-70) ATI offers VoIP service as its standalone voice service throughout its current designated service area. ATI’s VoIP service provides voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) toll limitation to qualifying low-income consumers; and (4) access to the emergency services 911 and enhanced 911 services. ATI’s VoIP service is offered at rates that are reasonably comparable to urban rates.[[71]](#footnote-71)

Additionally, ATI’s existing network provides BIAS throughout its current Designated Service Area. ATI’s BIAS provides a customer with the capability to transmit data to and receive data from all or substantially all Internet endpoints[[72]](#footnote-72) and with sufficient latency that is suitable for real-time applications and with usage capacity that is reasonably comparable to comparable offerings in urban areas and at rates that are reasonably comparable to rates for comparable offerings in urban areas. [[73]](#footnote-73) Thus, based on the federal definitions of "telecommunications service" and "telecommunications carrier" in the Act and the definition of jurisdictional telecommunications public utility in the Public Utility Code, we find that ATI is a common carrier.

As a designated high-cost ETC, ATI certifies that it plans to provide the supported services, including Lifeline, only in the eligible census blocks for which it has been awarded support by the FCC in Auction 903[[74]](#footnote-74) and Auction 904[[75]](#footnote-75). ATI also has certified that it can remain functional in emergency situations and that its customers will have access to E911. The Commission notes that earlier this year, the FCC recently implemented a rule that requires providers of interconnected VoIP services to specifically advise every subscriber, both new and existing, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service or may be in some way limited by comparison to traditional E911 service.[[76]](#footnote-76)

ATI offers VoIP service as its standalone service offering throughout its current Designated Service Area and upon receipt of an ETC designation in the Auction 904 eligible census blocks will also be required to do so throughout the Amended Designated Service Area.[[77]](#footnote-77) We have reviewed ATI’s customer materials concerning E911 limitations and the terms and conditions set forth therein explicitly state that ATI notifies each subscriber of the circumstances where 911/E911 emergency service may be limited or unavailable.[[78]](#footnote-78) Thus, we determine that ATI is currently in compliance with 47 C.F.R. § 9.11(b)(5)(i).

However, to the extent that ATI obtains customers’ affirmative acknowledgement of these E911 limitations, as required by 47 C.F.R. § 9.11(b)(5)(i), it shall ensure that there are both electronic and non-electronic means of obtaining such acknowledgement.

ATI has provided a detailed description of the geographic area for which it seeks to extend its ETC designation in the Commonwealth of Pennsylvania.[[79]](#footnote-79) ATI’s Amended Designated Service Area is set forth in Appendix C. Accordingly, we determine that ATI remains in compliance with the applicable federal and Pennsylvania-specific ETC rules and therefore, we find that ATI will offer the supported services as described in 47 C.F.R. § 54.101 by using its own facilities throughout its Amended Designated Service Area.

Additionally, ATI commits to offering Lifeline discounts to qualifying low-income consumers, consistent with both the FCC’s and Pennsylvania-specific rules in all high-cost areas where it is authorized to receive support.[[80]](#footnote-80) As it already does in its Auction 903-eligible census blocks, ATI certifies that it will provide operator services, directory assistance and interexchange access (long distance) to its potential Lifeline subscribers in the Auction 904-eligible census blocks too.[[81]](#footnote-81) Given that all of ATI’s Lifeline voice offerings would include long distance, all Lifeline customers throughout its Amended Designated Service Area where it receives high-cost support will be afforded such access.[[82]](#footnote-82)

ATI certifies that it will continue to comply with the annual certification requirements relating to the Lifeline program such as certifying annually that they are compliant with the minimum service levels set forth in 47 C.F.R. § 54.408.[[83]](#footnote-83) ATI certifies that it will annually certify its compliance with the applicable minimum service level rules by submitting Form 481 to USAC.[[84]](#footnote-84)

In addition to the minimum federal standards mentioned above, ATI has certified that it will continue to comply with Pennsylvania law and all Commission orders which govern Pennsylvania’s Lifeline programs.[[85]](#footnote-85) Specifically, ATI commits to: (1) abide by the applicable eligibility certification and verification requirements set forth in the Commission’s *PA Lifeline Order*;[[86]](#footnote-86) (2) abide by the applicable requirements set forth in the Commission’s *Tracking Report Order*;[[87]](#footnote-87) (3) abide by the Commission’s Chapter 64 regulations regarding standards and billing practices, 52 Pa. Code §§ 64.1-64.213;[[88]](#footnote-88) and (4) have consumer Lifeline voice service-related complaints or non-Lifeline voice service 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.[[89]](#footnote-89)

Additionally, ATI is to engage in advertising its supported services using media of general distribution and will also promote the availability of Lifeline service throughout its Amended Designated Service Area.[[90]](#footnote-90) ATI certifies that it 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.[[91]](#footnote-91) Thereafter, BCS will review the submitted materials to ensure the information is current and consistent with eligibility determination criteria and annual certification requirements, and plain language requirements.[[92]](#footnote-92)

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. The FCC Form 555 reports the results of the annual recertification process and includes data accuracy certifications. Any failure of ATI to comply with these requirements will be a basis for revocation of its ETC designation or other enforcement action.

ATI’s continued 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.

ATI also submits a certification that it satisfies the requirements of the Anti-Drug Abuse Act of 1988, as codified in sections 1.2001-1.2003 of the FCC’s rules.[[93]](#footnote-93) ATI further states that it will continue to comply with all prior certifications related to its previous ETC designation, such as complying with our requirements regarding the relinquishment of its ETC status in any of the census blocks where it receives federal high-cost support and filing a petition for renewal of its 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.[[94]](#footnote-94)

**CONCLUSION**

The Commission has adopted the federal minimum standards that are applicable to ETC designations as codified. Consequently, our review of ATI’s petition has been done consistent with these federal requirements. Additionally, our review of ATI’s Petition also has been done to ensure consistency with independent Pennsylvania law.

ATI was a winning bidder in the FCC’s Auction 903, and the Commission previously designated ATI a federal high-cost ETC in those areas where it received Auction 903 support to deploy broadband service. As a federal high-cost ETC receiving Auction 903 support, ATI was required to participate in the federal Lifeline program and was required to offer Lifeline service to qualified low‑income eligible customers or households in its Designated Area. Upon review, we conclude that amending the designation of ATI as a federal high-cost ETC to include the Auction 904-eligible census blocks in Pennsylvania is in the public interest. Receipt of Auction 904 high-cost support funding will facilitate the provision of additional access to voice and broadband services to Pennsylvania consumers in rural areas. Moreover, ATI commits to offering Lifeline discounts to qualifying low-income consumers in all high-cost areas where it is authorized to receive support, consistent with both FCC and Pennsylvania-specific rules.

As a winning RDOF bidder, we acknowledge that ATI is only required to provide certifications as part of its ETC petition and is not necessarily required to demonstrate its capability to provide the supported services as certified. Nevertheless, as stated above, ATI is currently a high-cost ETC in Pennsylvania and, thus, we deem that it is currently compliant with federal ETC requirements, including the FCC’s *Universal Service Order*, the *2005 ETC Designation Order*, the *USF/ICC Transformation Order*, and all relevant FCC regulations that have codified the requirements related to ETC designations and Lifeline service. Accordingly, we find that ATI has established through the required certifications and related filings that in its Amended Designated Service Area it will offer the services supported by the federal universal service support mechanisms and will comply with the service requirements and annual reporting obligations applicable to the support that it receives.

While our ETC designation process is separate from, and serves a different purpose than, the authorization process and post-authorization accountability measures that will be conducted by the FCC during its long form application review, our action to designate ATI does impose certain statutory and regulatory obligations to Pennsylvania once it is authorized to receive the awarded Auction 904 support in the eligible census blocks in Pennsylvania. Based on the information, representations, and certifications in its petition, we find that ATI has met all applicable Pennsylvania conditions and prerequisites for ETC designation throughout its Amended Designated Service Area and that such a designation is in the public interest. Accordingly, we also conclude that designation of ATI as a federal high-cost ETC to secure the awarded federal high-cost support in the Auction 904-eligible census blocks in Pennsylvania is in the public interest and 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 C.F.R. §§ 54.201, *et seq*.; and 66 Pa. C.S. § 3019(f); **THEREFORE,**

**IT IS ORDERED:**

1. The Application for Amended Designation as An Eligible Telecommunications Carrier of Armstrong Telecommunications, Inc. is granted, subject to the terms and conditions set forth in this Order.
2. That the Commission amends Armstrong Telecommunications, Inc.’s

previous designation as a federal high-cost Eligible Telecommunications Carrier by approving its additional designation as an Eligible Telecommunications Carrier in the Auction 904-eligible census blocks located within the service territories of Consolidated Communications of Pennsylvania Company, Verizon Pennsylvania, LLC, Verizon North, LLC, The United Telephone Co. of Pennsylvania, Inc., d/b/a CenturyLink, and Windstream Pennsylvania, LLC.

1. That Armstrong Telecommunications, Inc.’s Designated Service Area in Pennsylvania, now to be known as the Amended Designated Service Area, consists only of the eligible census blocks set forth in Appendix C.
2. That the rules of the Federal Communications Commission regarding the redefinition process are inapplicable to Armstrong Telecommunications, Inc.’s designation as a federal high-cost Eligible Telecommunications Carrier, which is below the study area level of Consolidated Communications of Pennsylvania Company, The United Telephone Co. of Pennsylvania, Inc., n/k/a Lumen Technologies, Inc., and Windstream Pennsylvania, LLC.
3. That Armstrong Telecommunications, Inc. is required to offer Lifeline service to eligible low-income consumers or households only in those census blocks for which it will be receiving Connect America Fund federal high-cost support as described in this Order.
4. That Armstrong Telecommunications, Inc. shall provide updated tariff pages for its qualifying voice service that is offered in census blocks that are located in

noncompetitive local exchanges within 30 days of the entry of this Order.

7. That Armstrong Telecommunications, Inc. shall provide updated tariff pages for its Lifeline service within 30 days of the entry of this Order.

1. That Armstrong Telecommunications, Inc. shall comply with

47 C.F.R. §§ 9.11(b)(5)(i), (ii) and (iii) by ensuring that there are both electronic and non-electronic means of obtaining a customer’s affirmative acknowledgement of E911 limitations throughout its Amended Designated Service Area.

1. That, upon request, Armstrong Telecommunications, Inc. shall provide the

Bureau of Consumer Services with copies of its and annual certification and promotional

materials to review for current information, consistency with eligibility determination criteria and annual certification requirements, and plain language requirements.

1. 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.

1. 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

purposes of receiving federal Universal Service Fund high-cost support and the federal Lifeline support or be subject to further Commission process.

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

1. 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.

1. That the Secretary shall serve a copy of this Order on Armstrong

Telecommunications, Inc., Consolidated Communications of Pennsylvania Company, Verizon Pennsylvania, LLC, Verizon North, LLC, The United Telephone Co. of Pennsylvania, Inc. n/k/a Lumen Technologies, Inc, Windstream Pennsylvania, LLC, the Office of Consumer Advocate, and the Office of Small Business Advocate.

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

16. That this docket shall be marked closed.

**A picture containing letter

Description automatically generatedBY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: July 15, 2021

ORDER ENTERED: July 15, 2021

1. Although styled an application, as we did previously with ATI, we are deeming its filing as a petition since ETC designations are properly sought through a petition per our regulations. 52 Pa. Code § 1.2. [↑](#footnote-ref-1)
2. ATI has identified these specific census blocks in the Supplement to is Petition that was filed on May 4, 2021, which we have replicated in Appendix A to this Order.” [↑](#footnote-ref-2)
3. *See Petition of Armstrong Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier*, Docket No. P-2018-3005035 (Order entered February 6, 2020) (*ATI Auction 903 ETC Order*). [↑](#footnote-ref-3)
4. An Auction 904 winning bidder is required to certify that it has been designated as an ETC in all its winning bid areas and to submit appropriate documentation supporting such certification on or before June 7, 2021 (Auction 904 ETC deadline). On May 24, 2021, the Commission issued a “good faith” letter to ATI stating that our review of its Petition would not be completed prior to deadline despite the good faith efforts of the long-form applicant. ATI filed a waiver request of the Auction 904 deadline with the FCC. [↑](#footnote-ref-4)
5. As a RDOF recipient, ATI is required to offer at least one standalone voice service plan and one service plan that provides broadband that meets FCC requirements. FCC 20-5, para. 43, Released February 7, 2020. [↑](#footnote-ref-5)
6. *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17683- 17684, para.60 (2011) (*USF/ICC Transformation Order*), *aff’d sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014). [↑](#footnote-ref-6)
7. *Id*. at 17672, para. 17. [↑](#footnote-ref-7)
8. *Id*. at 17691-17692, para. 76.. [↑](#footnote-ref-8)
9. *Id*. at 17725, paras. 156-57. [↑](#footnote-ref-9)
10. *See generally Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (2012 Lifeline Reform Order or Lifeline FNPRM).*  Per subsequent FCC orders, the Lifeline benefit has been reduced, and it is currently set at $5.25. However, Lifeline support for standalone voice services is set to go to zero after December 1, 2021, although that decision is under reconsideration at the FCC. [↑](#footnote-ref-10)
11. Id. at 6690-91, paras. 77-78 [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. *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 Rcd 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 Rcd 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 Rcd 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 NOI*) (collectively *Lifeline Reform Orders*). [↑](#footnote-ref-13)
14. *ATI Auction 903 ETC Order* at 24. *See also Connect America Fund Phase II, Auction 903, Attachment A.* [↑](#footnote-ref-14)
15. *See* Appendix B. [↑](#footnote-ref-15)
16. *Rural Digital Opportunity Fund; Connect America Fund*; Notice of Proposed Rulemaking, 34 FCC Rcd 6778 (2019) (*Rural Digital Opportunity Fund NPRM*). [↑](#footnote-ref-16)
17. *Id*. The FCC made eligible for Auction 904 certain high-cost census block groups in RDOF Phase I in unserved areas nationwide that were not served by an unsubsidized service provider. [↑](#footnote-ref-17)
18. *Rural Digital Opportunity Fund et al.,* Report and Order, 35 FCC Rcd 686 (2020) (*RDOF Order*). [↑](#footnote-ref-18)
19. *RDOF Order*, 35 FCC Rcd at 689, paras. 8-9. [↑](#footnote-ref-19)
20. *See Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, Public Notice, 35 FCC Rcd 13888, 13890-91, paras. 9-15 (RBATF, OEA, WCB 2020) (*RDOF Closing Public Notice*). [↑](#footnote-ref-20)
21. As a result of Auction 904, some homes and businesses now would have access to voice as well as BIAS at download speeds of at least 100 Mbps. [↑](#footnote-ref-21)
22. ATI was awarded $22,009,640.50 to serve 10,495 locations in three states. Of that, $344,898.10 was awarded to serve Pennsylvania locations. *See Rural Digital Opportunity Fund Phase I Auction (Auction 904) Winning Bidders Announced*, Public Notice DA No. 20-1422 (OEA/WCB Rel. Dec. 7, 2020) (*RDOF Auction Closing Public Notice*). [↑](#footnote-ref-22)
23. On January 22, 2021, CenturyLink, Inc. formally changed its name to Lumen Technologies, Inc. As a result, CenturyLink, Inc. is now referred to as “Lumen Technologies,” or simply “Lumen.” [↑](#footnote-ref-23)
24. Petition at 6. [↑](#footnote-ref-24)
25. ATI Response to staff inquiry. June 22, 2021. [↑](#footnote-ref-25)
26. Petition at 6. [↑](#footnote-ref-26)
27. Supplement filed June 16, 2021. [↑](#footnote-ref-27)
28. *Id*. [↑](#footnote-ref-28)
29. ATI certifies that it will comply with all FCC requirements. Supplement filed June 16, 2021 at 2. [↑](#footnote-ref-29)
30. Supplement filed June 16, 2021. [↑](#footnote-ref-30)
31. *Id*. [↑](#footnote-ref-31)
32. *Id*. [↑](#footnote-ref-32)
33. *Id*. [↑](#footnote-ref-33)
34. *RDOF Order*, 35 FCC Rcd at 725, para. 86. [↑](#footnote-ref-34)
35. 47 U.S.C. § 254(e). [↑](#footnote-ref-35)
36. 47 U.S.C. § 214(e)(1). [↑](#footnote-ref-36)
37. *Id.* [↑](#footnote-ref-37)
38. 47 U.S.C. § 214(e)(6). [↑](#footnote-ref-38)
39. Pursuant to Section 153(10) of the Act, a "telecommunications carriers" has been defined to include, with one minor exception, any provider of "telecommunications services."' 47 U.S.C. §153(51). The Act defines a "telecommunications service," as "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. §153(53). In turn, telecommunications means "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received." 47 U.S.C. § 153(50). The definition of "telecommunications carrier" in the Act goes on to state that "[a] telecommunications carrier" shall be treated as a *common carrier* under this Act only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as "common carriage." 47 U.S.C. §153(51) (Emphasis supplied). [↑](#footnote-ref-39)
40. *See Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 8847‑76, paras. 128-80 (1997)*.* [↑](#footnote-ref-40)
41. 47 U.S.C. § 214(e) (1)(A); *see also* 47 C.F.R. § 54.201(d)(1). [↑](#footnote-ref-41)
42. 47 U.S.C. § 214(e)(1)(A); *see also* 47 C.F.R. § 54.201(d)(1). [↑](#footnote-ref-42)
43. 47 U.S.C. § 214(e)(1)(B); *see also* 47 C.F.R. § 54.201(d)(2). [↑](#footnote-ref-43)
44. 47 U.S.C. § 214(e)(5); *see also* 47 C.F.R. § 54.207(a). [↑](#footnote-ref-44)
45. *See 2005 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)).  [↑](#footnote-ref-45)
46. 47 C.F.R. § 54.202(a)(1)(i). [↑](#footnote-ref-46)
47. 47 C.F.R. § 54.202(a)(1)(ii). The FCC subsequently eliminated the five-year improvement plan requirement for CAF recipients since it had adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones. *See Connect America Fund et al.*, ETCs Annual Reports and Certifications, Report and Order, 32 FCC Rcd 5944, 5944-48, paras. 3-14 (2017) (*ETC Reporting Streamlining Order*) (eliminating requirements relating to the reporting of network outages, unfulfilled service requests, complaints, and pricing and the certification of compliance with applicable service quality standards). [↑](#footnote-ref-47)
48. 47 C.F.R. 54.202(a)(2). [↑](#footnote-ref-48)
49. 47 C.F.R. § 54.202(a)(3). The FCC also has eliminated this requirement for CAF support recipients finding that the need for it was obviated by the specific service quality standards applicable to CAF support recipients and specific reporting obligations relating to such standards. *See generally ETC Reporting Streamlining Order*. [↑](#footnote-ref-49)
50. In the *2005 ETC Designation Order*, the FCC had 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 C.F.R. § 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. 647and Appendix A. [↑](#footnote-ref-50)
51. 21 U.S.C. § 862; 47 C.F.R. § 1.2002(a)–(b). [↑](#footnote-ref-51)
52. 52 Pa. Code § 69.2501. [↑](#footnote-ref-52)
53. *See generally 2012 Lifeline Reform Order.* [↑](#footnote-ref-53)
54. *Id.* at 6690-91, paras. 77-78. [↑](#footnote-ref-54)
55. *Id.* [↑](#footnote-ref-55)
56. 47 C.F.R. § 54.410. [↑](#footnote-ref-56)
57. The Universal Service Administrative Company (USAC), the administrator of the federal Lifeline program, manages the National Verifier and its customer service department, the Lifeline Support Center. The National Verifier makes an initial determination of a subscriber's eligibility based on prospective subscriber’s eligibility to qualify for Lifeline service using either income-based eligibility criteria or program-based eligibility criteria is codified at Sections 54.410(b) and (c), respectively. [↑](#footnote-ref-57)
58. New and potential Lifeline consumers receive their initial 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. [↑](#footnote-ref-58)
59. 47 C.F.R. § 54.405(e). [↑](#footnote-ref-59)
60. 47 C.F.R. §54.405(e)(1). [↑](#footnote-ref-60)
61. If the USAC provides notification to a service provider that a subscriber has more than one discounted account, or that more than one member of a subscriber’s household is receiving service, the service provider must de-enroll the subscriber within five business days (47 C.F.R. Section 54.405(e)(2)). [↑](#footnote-ref-61)
62. If the subscribers do not use their Lifeline service at least every 30 days they will be notified by the provider that they may be de-enrolled if they do not use their service during the 15-day notice period (the “cure period”). [↑](#footnote-ref-62)
63. Every Lifeline consumer’s eligibility is to be recertified annually. 47 C.F.R. § 54.410(f). Lifeline subscribers will be recertified either automatically through the National Verifier’s state/federal data sources or receive a recertification request from USAC. In Pennsylvania, service providers must use the National Verifier to recertify their current Lifeline subscribers. [↑](#footnote-ref-63)
64. 47 C.F.R. § 54.416. [↑](#footnote-ref-64)
65. 47 C.F.R. § 54.422. [↑](#footnote-ref-65)
66. 52 Pa. Code § 69.2501. [↑](#footnote-ref-66)
67. *In Re: Lifeline and Link-up Programs*, Docket No. M-00051871 (Order entered May 23, 2005) (*PA Lifeline Order*); *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*);  *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) (*Final Policy Statement Order*). [↑](#footnote-ref-67)
68. *In Re: Lifeline and link-up Programs*, Docket No. M-00051871 (Order entered May 23, 2005). [↑](#footnote-ref-68)
69. The FCC defines federal high-cost supported services as qualifying voice service and the offering of qualifying BIAS. *See* 47 C.F.R. § 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). [↑](#footnote-ref-69)
70. Petition at 6. ATI (utility code 311014) holds certificates of public convenience from the Commission to operate as a non-facilities-based and facilities-based Competitive Local Exchange Carrier (CLEC), Interexchange Toll Reseller (IXCR), and a Competitive Access Provider (CAP) at Docket Nos. A-311014; A-311014F0002; A-311014F0003, respectively. ATI operates as CLEC in the following ILEC service territories: Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company, LLC (Frontier Commonwealth); Verizon North; Verizon Pennsylvania; Lumen; Citizens Telephone Company of Kecksburg; Consolidated Communications; and Windstream PA. [↑](#footnote-ref-70)
71. *USF/FCC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b). [↑](#footnote-ref-71)
72. 47 C.F.R. §§ 54.101(a)(2) and (c). [↑](#footnote-ref-72)
73. 47 C.F.R. § 54.805(a). [↑](#footnote-ref-73)
74. See Appendix B. [↑](#footnote-ref-74)
75. See Appendix A. [↑](#footnote-ref-75)
76. 47 C.F.R. § 9.11(b)(5)(i). [↑](#footnote-ref-76)
77. The Commission’s consumer protection and quality of service regulations applicable to CLECs apply to both competitive and non-competitive services. Further, we note that standalone basic voice service has not been reclassified as competitive under Section 3016 of the Code, 66 Pa. C.S. § 3016, in any of the service areas where ATI provides CLEC services. Thus, in addition to other Commission jurisdiction preserved under the VoIP Freedom Act, this service remains subject to all applicable consumer protections and quality of service standards under Pennsylvania law, even though it will be provided as an interconnected VoIP service. *See* 73 P.S. §§ 2251.5 and 2251.6. [↑](#footnote-ref-77)
78. Petition Supplement filed June 4, 2021. [↑](#footnote-ref-78)
79. While some of the 117 eligible census blocks where ATI has been awarded RDOF Phase I support and seeks designation as an ETC are located in the above-listed RLEC service territories, a redefinition analysis of these RLEC service territories is not necessary since the FCC waived its rules regarding the redefinition process for Auction 904 recipients. *See RDOF Order,* 35 FCC Rcd at 727-728, paras. 91-93. [↑](#footnote-ref-79)
80. *Id*. As Pennsylvania is a National Verifier state, ATI will must query the NLAD to ascertain a potential Lifeline applicant’s eligibility for service as determined by the National Verifier. Additionally, by our *PA Lifeline Order* we also require ETCs to verify the ongoing eligibility on their Lifeline subscribers and submit an annual re-certification of that verification. However, we note that pursuant to the federal rules, 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. [↑](#footnote-ref-80)
81. Supplement filed June 16, 2021. [↑](#footnote-ref-81)
82. *Id*. [↑](#footnote-ref-82)
83. Supplement filed June 16, 2021. [↑](#footnote-ref-83)
84. Supplement filed June 22, 2021. [↑](#footnote-ref-84)
85. *Id*. [↑](#footnote-ref-85)
86. *Id*. [↑](#footnote-ref-86)
87. 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. [↑](#footnote-ref-87)
88. *Id*. [↑](#footnote-ref-88)
89. 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. [↑](#footnote-ref-89)
90. Supplement filed June 22, 2021. [↑](#footnote-ref-90)
91. *Id*. [↑](#footnote-ref-91)
92. 47 C.F.R. § 54.405(b)-(d) pertain to all material that describe Lifeline service and 66 Pa. C.S. § 3019(f)(4) pertains to bill messages. [↑](#footnote-ref-92)
93. Petition Supplement filed June 22, 2021. [↑](#footnote-ref-93)
94. ATI must file a petition 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 because the Commission is lawfully entitled to timely re-examine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. [↑](#footnote-ref-94)