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

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|  | Public Meeting held August 26, 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 Youngsville Television Corporation d/b/a Blue Fiber Corp. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934 | P-2021-3023604 |

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for disposition is the Petition of Youngsville Television Corporation d/b/a Blue Fiber Corp. (YTV or the Company), as supplemented, in which the Company is seeking designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania (Petition). YTV filed its Petition on January 6, 2021, for the purpose of receiving federal Universal Service Fund (USF) high-cost support pursuant to (1) Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(2); (2) Sections 54.101, 54.201-54.203, and 54.205-54.209 of the Federal Communications Commission’s (FCC) regulations, 47 C.F.R. §§ 54.101, 54.201-54.203, and 54.205-54.209; and (3) 52 Pa. Code § 69.2501.

YTV is required to obtain designation as an ETC from the Commission for the Company to be eligible to receive the federal high-cost support funding it has been assigned in the FCC’s Rural Digital Opportunity Fund (RDOF) auction (Auction 904).[[1]](#footnote-2) As such, YTV is required to certify to the FCC that it has received designation as an ETC in all the eligible census blocks in Pennsylvania for which the Company was assigned Auction 904 support.

In its Petition and related supplements, YTV states that it is seeking designation as an ETC only in the 386 specific RDOF-eligible census blocks for which it was assigned Auction 904 funding.[[2]](#footnote-3) The Commission has reviewed YTV’s Petition, as supplemented, to determine whether it meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain ETC designation.

We hereby conclude that (1) YTV’s Petition meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain an ETC designation within the 386 specific RDOF-eligible census blocks and (2) it is in the public interest that YTV be designated as an ETC for the purpose of receiving Auction 904 federal high-cost support in those Pennsylvania eligible census blocks where the Company was assigned the winning bid to deploy and maintain networks capable of providing voice and broadband access services. Accordingly, YTV’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 Act, 47 U.S.C. § 254(b).[[3]](#footnote-4) 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 who were receiving voice service but lacked access to robust broadband infrastructure and access service.[[4]](#footnote-5)

 Up to that time, the six pre-existing programs in the High Cost Program had only supported the provisioning of voice service.[[5]](#footnote-6) 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 and funding so that it would distribute federal high-cost support to recipients so that they could provision both fixed broadband and voice service throughout their service territories.[[6]](#footnote-7) At the same time as this repurposing, the FCC also renamed the federal High Cost program the “Connect America Fund” (CAF). With the CAF and the FCC’s subsequent 2018 Connect America Fund Phase II Auction 903 (CAF II Auction or Auction 903),[[7]](#footnote-8) 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 a combination of a “new forward-looking model of the cost of constructing modern multi-purpose networks” and a competitive bidding process.[[8]](#footnote-9)

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

 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 began restructuring the federal USF Lifeline program that CAF recipients must provide as a condition of receiving CAF support. 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 set an interim funding rate of $9.25 per month and per eligible subscriber or household.[[9]](#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; improving 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 support recipient rule applicable to all consumers and Lifeline providers in the program.[[10]](#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.[[11]](#footnote-12) The FCC has since issued three 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.[[12]](#footnote-13), [[13]](#footnote-14) 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 Auctions**

 The FCC contemplated that its new competitive bid process to disburse federal universal service high-cost support to common carriers operating as federal price-cap providers would be conducted through “reverse” auctions and rolled-out in different phases.[[14]](#footnote-15) The second phase of the CAF, but first “reverse” auction to disburse federal high-cost support, was Auction 903 in 2018. Auction 903 awarded up to $198 million annually for 10 years to all service providers that committed to provide voice and fixed broadband services to specific locations in unserved high-cost areas, including eligible areas in Pennsylvania.[[15]](#footnote-16)

 Acknowledging 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, on August 1, 2019, the FCC adopted a Notice of Proposed Rulemaking (NPRM) proposing to establish the $20.4 billion RDOF as its next step in bridging the rural digital divide in America.[[16]](#footnote-17) 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 of at least 25/3 Mbps.[[17]](#footnote-18)

 On January 30, 2020, the FCC adopted the *RDOF Order*, which established the framework for the RDOF auction.[[18]](#footnote-19) The FCC determined that the RDOF would target federal high-cost support to areas that lack access to both fixed voice and 25/3 Mbps broadband services in two phases: Phase I of the RDOF would assign up to $16 billion for those census blocks that are wholly unserved with broadband at speeds of 25/3 Mbps.[[19]](#footnote-20) 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.[[20]](#footnote-21)

 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[[21]](#footnote-22) for Phase I of the RDOF auction and awarded up to $923 million annually for 10 years to these winning bidders that had committed to provide voice and fixed broadband Internet access services (BIAS) to specific locations in unserved high-cost areas, including areas in Pennsylvania.[[22]](#footnote-23) The NexTier Consortium, of which YTV is a member, was selected as the winning bidder of the FCC’s RDOF Auction 904 in portions of Pennsylvania and 13 other states.[[23]](#footnote-24) In accordance with Auction 904 rules and procedures,[[24]](#footnote-25) the NexTier Consortium assigned its winning bids in Pennsylvania to YTV.[[25]](#footnote-26) YTV’s assigned Auction 904 award totals $5,105,375.70 over 10 years to serve 4,460 eligible locations (1,247 in Crawford County and 3,213 in Warren County) in 386 census blocks in Pennsylvania.[[26]](#footnote-27)

 **D**. **YTV’s Petition and Supplements**

Pursuant to the *RDOF Order* and the *RDOF Public Notice*,[[27]](#footnote-28) winning bidders or their assignees are required to certify with the FCC that they have obtained an ETC designation that covers all relevant census blocks from the relevant authority for high-cost ETC designation by June 7, 2021.[[28]](#footnote-29) In its Petition, YTV requested ETC designation in the 386 census blocks where it has been assigned high-cost funding support from RDOF Phase I. Thus, YTV currently has not requested ETC designation in any census block where it has not been assigned Auction 904 support.[[29]](#footnote-30)

YTV states it is a Pennsylvania 501(c)(12) not for profit corporation registered with the Pennsylvania Department of State and with a place of business at 3 West Main Street, Youngsville, Pennsylvania 16371.[[30]](#footnote-31) YTV states that it was formed by local residents and began operations in 1954 to provide television signal services or cable television (CATV) service to the residents of Youngsville, Pennsylvania.[[31]](#footnote-32) The Company further states that it operates like a cooperative corporation and that its clients pay a one-time membership fee to receive the services offered.[[32]](#footnote-33) YTV states that membership includes a discounted service rate and the privilege to be nominated for and vote in the annual election for board members.[[33]](#footnote-34) YTV is governed by a board of directors, elected from within its good standing members at the annual public meeting.[[34]](#footnote-35)

In 2002, YTV incorporated two other small cable systems covering the communities of Irvine and Pittsfield, Pennsylvania, forming, along with Youngsville, YTV’s current service area for its CATV service. YTV currently serves 675 cable subscribers via a 27-mile hybrid fiber-coax (HFC) system.[[35]](#footnote-36)

YTV states that a third-party service provider, Eaglezip.com, has provided internet and voice services over YTV’s HFC system for a number of years.[[36]](#footnote-37) Eaglezip.com pays YTV a per client access fee to provide services on the Company’s network.

YTV states that in 2019 it decided to transition from being a CATV provider to a voice, CATV, and Internet access provider. YTV states it realized that it would need to replace its aging HFC infrastructure with fiber and began pursuing federal grants to achieve this objective. YTV states that it has since been awarded a grant from the Appalachian Regional Commission (ARC) to extend fiber into five unserved communities in Pennsylvania (Garland, Wrightsville, Chandlers Valley, Spring Creek, and Spartansburg), a Community Connect grant from the U.S. Department of Agriculture’s (USDA) Rural Utility Service loan to extend fiber into the community of Cherry Grove, Pennsylvania, and a 100% loan from USDA’s Re-Connect program for its project to extend fiber into the community of Spartansburg, Pennsylvania.[[37]](#footnote-38)

Including service that meets the RDOF requirement of providing at least 1 Gigabit downstream/500 Mbps upstream, YTV plans to offer other several tiers of Internet service and will provide its customers with voice grade access to the Public Switched Telephone Network (PSTN) through its interconnected Voice over Internet Protocol (VoIP) service.[[38]](#footnote-39) Upon receipt of RDOF funds, YTV plans to deploy a Gigabit Passive Optical Network (GPON) that will offer standalone voice and gigabit broadband services to 4,460 homes and small businesses in Crawford and Warren counties in Pennsylvania. Through this GPON, YTV will offer gigabit Internet service to homes and businesses in the areas where the Company is authorized to receive RDOF funding. Since YTV operates as cooperative, in order to obtain services from the Company, prospective customers—whether standard or Lifeline—must pay a onetime membership fee of $150 to join the YTV cooperative, which entitles them to a discounted service rate.[[39]](#footnote-40)

While YTV states in its Petition that it will offer the RDOF supported services throughout its ETC Designated Service Area, as defined below, over its own network infrastructure, the Company acknowledges that it will offer interconnected VoIP service on a standalone basis using a third-party provider, Zito Media Communications, LLC (Zito Media Communications) that will provide YTV’s voice customers with access to the PSTN. The Company will rebrand voice service provided by Zito Media Communications through resale and plans to migrate its existing voice customers served by Eaglezip.com as YTV phases out Eaglezip.com as its voice service provider and replaces them with Zito Media Communications.[[40]](#footnote-41) YTV recognizes that it will be legally responsible for addressing consumer complaints and providing service consistent with the FCC’s universal service requirements,[[41]](#footnote-42) as well as under Pennsylvania law.

YTV provided a list of the 386 individual census blocks for which it was assigned RDOF support,[[42]](#footnote-43) a map depicting the area of those census blocks,[[43]](#footnote-44) a list of the various incumbent local exchange carriers’ (ILEC) respective service territories where the awarded census blocks are dispersed,[[44]](#footnote-45) and a list of the rate centers of those ILECs where the RDOF census blocks are situated.[[45]](#footnote-46) Collectively, those local exchanges, rate centers, and census blocks where YTV will be designated an ETC and providing Auction 904 supported service are referred to as YTV’s Designated Service Area and are included in Appendix A to this Order.

Notice of YTV’s Petition was published in the *Pennsylvania Bulletin* at 51 Pa.B. 764 on February 6, 2021. No comments were filed in response to YTV’s Petition. YTV also filed supplements to its Petition that set forth additional pertinent information.[[46]](#footnote-47)

**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.”[[47]](#footnote-48) Consequently, a common carrier first must be designated as an ETC under Subsections (2), (3), or (6) of Section 214(e) of the Act to be eligible to receive federal high-cost universal service support in accordance with Section 254 of the Act. 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. Only in those instances where a state cannot or will not make the requisite ETC designation will the FCC make the ETC designation.[[48]](#footnote-49)

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 has reviewed YTV’s Petition, as supplemented, to determine whether it satisfies the federal and state law criteria to receive a designation as an ETC in Pennsylvania.

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

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier must satisfy the following criteria[[49]](#footnote-50) in order to obtain an ETC designation and become eligible to receive federal high-cost universal service support throughout the service area for which the designation is received: (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;[[50]](#footnote-51) (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;[[51]](#footnote-52) (3) describe how it advertises the availability of the supported services and the charges therefor using media of general distribution;[[52]](#footnote-53) and (4) describe the geographic service area for which it requests to be designated an ETC.[[53]](#footnote-54)

 The FCC adopted additional requirements for parties seeking ETC designation that have been codified at 47 C.F.R. § 54.202.[[54]](#footnote-55) 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;[[55]](#footnote-56) (2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area;[[56]](#footnote-57) (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;[[57]](#footnote-58) (4) demonstrate that it will satisfy applicable consumer protection and service quality standards;[[58]](#footnote-59) and (5) offer local usage comparable to that offered by the ILEC.[[59]](#footnote-60)

The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.[[60]](#footnote-61) Specifically, the FCC requires that 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.[[61]](#footnote-62)

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. Additionally, our review of YTV’s Petition is also done to ensure consistency with independent Pennsylvania law as an ongoing obligation. Thus, our review of YTV’s Petition is done consistent with the state law and federal requirements that must be met 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.

 As discussed in more detail below, we determine that YTV satisfies all federal requirements applicable to obtaining a high-cost ETC designation, including those embodied in the FCC’s *Universal Service Order*, the *2005 ETC Designation Order*, the *USF/ICC Transformation Order*, the *Lifeline Reform Orders*, and codified in pertinent FCC regulations. YTV also satisfies related Pennsylvania-specific requirements and guidelines.

 Nonetheless, as the assignee of a RDOF winning bidder, YTV is still required to comply with the same long-form application process the FCC adopted for Auction 903.[[62]](#footnote-63) Thus, upon receipt of an ETC designation from the Commission, YTV will be subject to a thorough financial and technical review by the FCC during the long-form application stage prior to ultimately receiving the Auction 904 support.[[63]](#footnote-64)

**A. Certification That It Is a Common Carrier and Offering All Services Designated for Federal Universal Service Support**

 YTV has filed this Petition seeking to have the Commission designate it as an ETC in the census blocks where it has been assigned Auction 904 federal high-cost support. Federal law dictates that only a common carrier designated an eligible telecommunications carrier under 47 U.S.C. § 214(e)(2) shall be eligible to receive universal service support in accordance with Section 254 of the Act.[[64]](#footnote-65) Thus, in order to obtain an ETC high-cost designation, YTV must demonstrate that it is a common carrier and certify that it offers the services supported by the federal universal service support mechanisms or “supported services.”[[65]](#footnote-66)

 Section 153(10) of the Act defines the term “common carrier” 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).[[66]](#footnote-67) Additionally, pursuant to 47 C.F.R. § 54.101, the FCC defines supported services as qualifying voice service and the offering of qualifying BIAS.[[67]](#footnote-68) Also, as a condition of receiving support, the common carrier must offer qualifying voice service as a standalone service throughout its designated service area and must offer voice telephony services at rates that are reasonably comparable to urban rates.[[68]](#footnote-69)

**1. Qualifying Voice Service**

In order to satisfy the criterion of offering qualifying voice services set forth in 47 C.F.R. § 54.201(a), YTV must be a common carrier that certifies that its eligible voice telephony services provide (1) 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) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and (4) toll limitation services to qualifying low-income consumers. Additionally, as an RDOF support recipient, like all other high-cost ETCs, YTV will be required to offer standalone voice service and offer voice and broadband services at rates that are reasonably comparable to rates offered in urban areas. YTV certifies that its wireline service offering satisfies the FCC’s definition of voice telephony service.[[69]](#footnote-70)

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

 In its Petition, YTV states that it will provide customers with voice grade access to the PSTN over its GPON which will extend across YTV’s Designated Service Area .[[70]](#footnote-71) This interconnected VoIP service will be offered on a standalone basis with calling features including voicemail, call waiting, caller ID, call forwarding, and three-way calling at no additional charge.[[71]](#footnote-72) YTV states that it will offer its interconnected VoIP service on a standalone basis by using Zito Media Communications.

 YTV asserts that initially, upon ETC designation, it will offer standalone voice service over its existing cable infrastructure through an arrangement with Eaglezip.com, which currently offers interconnected VoIP service to YTV’s cable television subscribers over YTV’s existing cable plant. However, as the new fiber network is built in the RDOF-funded areas, YTV will transition to offering interconnected VoIP service through a commercial wholesale arrangement with Zito Media Communications, which will provide access to the PSTN for its new and existing voice service customers.[[72]](#footnote-73)

 **b. Minutes of Use for Local Service**

As part of offering voice grade access to the PSTN, an ETC must also 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.[[73]](#footnote-74) 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. YTV certifies that its voice service will include minutes of use for local service provided at no charge to end users. Specifically, YTV’s voice plans will offer unlimited calling in the United States, to include all 50 states and territories.[[74]](#footnote-75)

 **c. Access to Emergency Services**

YTV certifies that its voice service will provide access to emergency services via 911 or enhanced 911 (E911).[[75]](#footnote-76) YTV states that that 911 or E911 emergency service will be a standard feature for all voice service, including Lifeline. Further, voice subscribers will have access to 911 and E911 emergency service even if their telephone service is suspended.[[76]](#footnote-77) However, access to emergency services will not be available after the customer’s service has been cancelled or terminated. YTV’s E911 feature automatically provides the emergency service operator with a caller’s phone number and registered address.[[77]](#footnote-78)

YTV states that it has been in contact with existing municipalities and 911 authorities in its service area. The Company further states that the customer’s name and address are provided to the 911 service center upon the provisioning of VoIP service. If a customer subsequently moves within YTV’s service territory, the Company will assist in registering the new location for purposes of 911 service. If a customer subsequently moves outside YTV’s service territory, the customer will be responsible for advising the local 911 center of the change.[[78]](#footnote-79)

The FCC also requires interconnected VoIP carriers to obtain affirmative acknowledgment that each subscriber understands the circumstances that E911 service may be limited or unavailable. 47 C.F.R. § 9.11(b)(5)(i). Prior to the initiation of voice service, YTV will give each new subscriber a warning sticker or “other appropriate label” warning that E911 service may be limited or not available. Further, the Company will instruct the subscriber to place the warning sticker on or near the equipment used in conjunction with the interconnected VoIP service. YTV will also have each customer sign a 911 service disclaimer notice, which identifies the circumstances under which E911 service is unavailable. YTV will keep the original, signed disclaimer and will provide a copy to the customer. YTV provides the text of this disclaimer, which, among other things, advises the customer that E911 will not work if the customer fails to register or update the 911 center with his/her current address, if there is a power or internet service outage, or if the 911 center is not equipped to receive the customer’s telephone number and address.[[79]](#footnote-80)

Lastly, in Pennsylvania, interconnected VoIP service providers remain subject to all applicable state 911 requirements under Pennsylvania’s VoIP Freedom Act.[[80]](#footnote-81) YTV affirms that it will comply with the requirements related to the provision of 911 services and customer acknowledgment of service limitations. Accordingly, the Commission determines that YTV has satisfied its obligation of ensuring access to emergency services.

**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.

In the FCC’s *Lifeline and Link Up Reform Order*, the FCC explained that toll limitation would no longer be deemed a supported service as of 2014.[[81]](#footnote-82) YTV avers that, since it will not distinguish between toll and non-toll calls in the pricing of its voice service, the Company is not obligated to provide toll limitation services to qualifying low-income customers. YTV further states that it will not provide toll blocking services because customers will be able to make unlimited calls anywhere in the United States. In addition, the Company avers that it will not block or restrict calls to premium rate numbers and that international calling is not available unless expressly requested by the customer.[[82]](#footnote-83)

 **2. 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.[[83]](#footnote-84) In addition, pursuant to Section 54.805 of the FCC’s regulations, recipients of RDOF support are “required to offer broadband service with latency suitable for real-time applications, including VoIP, and usage capacity that is reasonably comparable to comparable offerings in urban areas, at rates that are reasonably comparable to rates for comparable offerings in urban areas.”[[84]](#footnote-85) More specifically, recipients of RDOF support are required to meet the broadband service speeds and performance standards for the relevant performance or the average usage of a majority of fixed broadband customers as announced annually by the FCC’s Wireline Competition Bureau (WCB).[[85]](#footnote-86)

YTV is obligated to offer one service plan that provides BIAS at 1 Gbps/500 Mbps speed at low latency.[[86]](#footnote-87) For winners in the RDOF Phase I auction who submitted bids for the Gigabit tier speed, the FCC required them to show that 95% or more of all testing-hour measurements of network round trip latency are at or below 100 milliseconds (ms) as their latency standard for BIAS.[[87]](#footnote-88)

YTV will offer service at rates that are reasonably comparable to rates in urban areas. The Company will offer standalone voice service for $25 per month.[[88]](#footnote-89)

YTV states that its proposed BIAS will provide 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 in the RDOF census blocks. YTV plans to offer BIAS at the following service tiers/speeds and prices:

* 25 Mbps down/25 Mbps upload data rate $25/month
* 100 Mbps down/100 Mbps upload data rate $50/month
* 250 Mbps down/250 Mbps upload data rates $100/month
* 1 Gbps down/500 Mbps upload data rates $130/month[[89]](#footnote-90)

 **B. Certification Regarding the Offering of the Supported Services Using a Carrier’s Own Facilities**

In order to obtain a high-cost ETC designation, a common carrier must offer the qualifying supported services throughout its service area “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”[[90]](#footnote-91) Thus, only common carriers that provide the qualifying supported services as defined under Section 54.101(a), as amended, by using their own facilities will be deemed to meet the requirements of Subsection 214(e)(1)(A) of the Act.

The FCC has interpreted the term “facilities” 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).”[[91]](#footnote-92) However, 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.”[[92]](#footnote-93)

Facilities are the ETC’s “own” if the ETC has exclusive right to use the facilities to provide the supported services[[93]](#footnote-94) or when service is provided by any affiliate within the holding company structure.[[94]](#footnote-95) Additionally, a common carrier satisfies its ETC designation 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.[[95]](#footnote-96) Accordingly, a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.[[96]](#footnote-97)

 YTV states in its Petition that it will provide the qualifying RDOF supported services and functionalities set forth in Section 54.101(a) of the FCC’s regulations throughout its ETC Designated Service Area over its own network infrastructure. As mentioned previously, the Company acknowledges that it will offer interconnected VoIP service on a standalone basis using a third-party provider, initially Eaglezip.com and later transitioning to Zito Media Communications as YTV’s fiber network is built out. The Company plans to resell the interconnected VoIP service provided and rebrand it under the name Blue Fiber Corp. under which the Company does business. YTV affirms that it will be legally responsible for addressing consumer complaints and providing service consistent with the FCC’s universal service requirements.[[97]](#footnote-98)

**C. Certification Regarding Advertising Supported Services**

YTV states that it will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution and in a manner reasonably designed to reach those likely to qualify for the service.[[98]](#footnote-99) YTV further states that it will publicize the availability of Lifeline service in the RDOF census blocks in a manner reasonably designed to reach those likely to qualify for the service.[[99]](#footnote-100) The Company asserts that it plans to undertake outreach initiatives to local newspapers and government offices to increase awareness of its service offerings. In addition, YTV will advertise it supported services using a mix of printed materials—such as bill inserts, direct mailing, banners, lawn signs, and door hangers—and digital advertising. YTV also states that information about its Lifeline service will be posted publicly on its website.[[100]](#footnote-101) The Company further certifies that, upon ETC designation, it will provide the Commonwealth’s Department of Human Services (“DHS”) with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the areas it serves, for use by DHS in providing notifications to new enrollees in DHS-administered low-income programs pursuant to 66 Pa.C.S. § 3019(f).[[101]](#footnote-102) Lastly, YTV states that there are no known population groups within its Designated Service Area that do not speak English, implying that the Company does not intend to provide Lifeline or other materials in any language other than English .[[102]](#footnote-103)

**D.Certification to Provide a Detailed Description of the Geographic Service Area Where It Will Be Designated an ETC**

 Generally, once an entity is designated an ETC in a specific area, it must offer the supported services throughout that entire Designated Service Area. The term service area generally means the overall geographic area for which the carrier shall receive support from federal universal service support mechanisms. A service area is established by a state commission for the purpose of determining universal service obligations and support mechanisms. Thus, an ETC’s “service area” is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support.[[103]](#footnote-104)

 Pursuant to its Petition, YTV is seeking designation as an ETC only in the 386 RDOF-eligible census blocks that are located within certain specified local exchanges of the following ILECs in Pennsylvania: Verizon North LLC (Verizon North), Verizon Pennsylvania LLC (Verizon PA), and Windstream Pennsylvania, Inc. (Windstream PA).[[104]](#footnote-105) As stated, a listing of the individual eligible census blocks where YTV has been awarded Auction 904 support and will incur these obligations, the local exchanges and other related pertinent information is attached hereto as Appendix A.[[105]](#footnote-106)

 Section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), normally requires that a competitive high-cost ETC’s (CETC) proposed designated service area conform with the rural incumbent ETC’s designated service area. The rural incumbent ETC’s designated service area is usually its entire service territory. Generally, if a state commission sought to designate a CETC only in a portion of a rural incumbent ETC’s designated service, that rural service area must first be redefined under the process set forth in Section 214(e)(5) of the Act.[[106]](#footnote-107) To accomplish a redefinition of a rural service area, the Commission would be required to conduct a cream-skimming analysis to compare the population density of the wire centers in which the CETC applicant seeks designation against that of the wire centers in the rural service area in which the CETC applicant does not seek designation.[[107]](#footnote-108)

 In this proceeding, YTV requests an ETC designation that is limited to certain local exchanges within the service territories of three ILECs, one of which is a rural ILEC (RLEC), Windstream PA. Sheffield/Warren and Sheffield are the specific Windstream PA local exchanges that contain some of the individual eligible census blocks where YTV has been awarded Auction 904 support.

 As explained above, the Commission usually would have to undergo a redefinition analysis of Windstream PA’s service territory when a CETC requests to be designated only in certain limited portions of its service area. However, the FCC has eliminated the service area conformance requirement for those winning bidders in the Auction 904 seeking an ETC designation.[[108]](#footnote-109) Specifically, in its *RDOF 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 904 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 a competitive ETC conform to the service area of any RLEC serving an area eligible for Phase I support.[[109]](#footnote-110)

 The FCC noted that like the CAF Phase II auction, it will be maximizing the use of the RDOF support by making it available for only one provider per geographic area.[[110]](#footnote-111) It further 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 904, the incumbent ETC’s service area is no longer a relevant consideration in determining the geographic scope of a winning bidder’s ETC designation.[[111]](#footnote-112) Hence, the RLEC’s service area will no longer be relevant because the incumbent ETC may be eventually replaced by the RDOF recipient in those portions of its service area where it may seek relinquishment since it will no longer receive high-cost support to provide the supported services, particularly qualifying voice service.

 Here, YTV was assigned the winning bids in specific eligible census block groups located within the service areas of three of our ILECs. Consequently, it is seeking an ETC designation below the service territory level and only in those specific census blocks. Since the FCC has waived its rules regarding the redefinition process specifically for Auction 904 funding recipients seeking an ETC designation below the service territory of an RLEC, there is no need for the Commission to consider the relevant analysis the state and the FCC historically considered when deciding whether to redefine Windstream PA’s service area when it receives a request from the winning bidder to have a designated service area that is below the incumbent rural ETC’s entire service area.

 Based on our analysis of the applicable and relevant governing authority, we approve YTV’s request for it to be designated as an ETC in the Designated Service Area as set forth in Appendix A attached to this Order.[[112]](#footnote-113)

**E*.* Compliance with the Service Requirements Applicable to Auction 904 Support**

YTV must certify that it will comply with requirements applicable to the federal universal service support that it has been awarded by the FCC. To satisfy this criterion, an ETC petitioner must demonstrate its commitment and ability to provide the supported services to all customers making a reasonable request for service within the ETC’s designated service area.[[113]](#footnote-114)

An ETC petitioner must ensure that it is providing services to all customers making a reasonable request for service throughout its proposed designated service area. If the ETC’s network already passes or covers the potential customer’s premises, the ETC should provide service immediately. YTV certifies that it will comply with the service, deployment, and performance requirements applicable to the support that it receives through the RDOF Auction.[[114]](#footnote-115) The Company further certifies that it will provide service to all customers throughout its proposed Designated Service Area who make a reasonable request for service and pay the $150 cooperative membership fee.[[115]](#footnote-116) YTV will provide immediate service to customers who live in areas passed by its broadband capable network.[[116]](#footnote-117) YTV describes in detail the nature and features of the services it and its affiliates will provide, which along with its selection as an auction winner, satisfy its requirements to demonstrate the ability to provide the supported services.

**F*.* Certification Regarding Continued Functionality in Emergency Situations**

Pursuant to 47 C.F.R. § 54.202(a)(2), an ETC petitioner is required to demonstrate its ability to remain functional in emergency situations. To satisfy this criterion, a petitioner 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 can manage traffic spikes resulting from emergency situations. The FCC’s regulations further require facilities-based fixed residential voice services that are not line-powered (fixed service providers) to offer for sale to subscribers “at least one option that provides a minimum of twenty-four hours of standby backup power” for customer premises equipment by February 13, 2019.[[117]](#footnote-118)

YTV certifies that its fiberoptic network will have the ability to remain functional in emergency situations, will be able to reroute traffic around damaged facilities, and will be capable of managing traffic spikes resulting from emergency situations, and that it will provide 8 hours of battery back-up power to ensure functionality without an external power source.[[118]](#footnote-119)

YTV’s network will be able to reroute traffic around damaged facilities and manage traffic spikes due to emergencies because it is designed with dual fiber paths in a ring configuration. As such, an individual line card or individual port failure will not result in a network failure outside the affected port or card. The location of the failure can be isolated and remediated. The ring will provide fall back, with traffic re-routed down an alternative pathway.[[119]](#footnote-120)

Further, where available within the core fiber network, fall back routing for all IP traffic will be implemented. Where redundant pathing is available, load balancing is to be integrated into the middle mile core network to balance traffic flows from remote node locations back to the Network Operations Center. Utilizing two Tier One carriers, redundant IP service routes exist beyond the core fiber network.[[120]](#footnote-121)

In addition, in case of power failure, the battery backup will activate instantaneously, not requiring manual intervention or equipment reset. The nodal locations are placed within existing volunteer fire department facilities, which have in place backup generation. Using Uninterruptable Power supplies in conjunction with existing backup generation, services will remain active during the event of power loss and restoration.[[121]](#footnote-122)

YTV intends to offer customers the option of purchasing battery backup upon service initiation, consistent with the FCC’s rules. Further, the Company intends to offer a 24-hour battery for $4.00 per month. Customers can also obtain battery backup from a third party.[[122]](#footnote-123) YTV has provided copies of its battery backup and 911 disclaimers. The disclaimers warn customers that the VoIP service provided by YTV requires power, and that the emergency 911 service may not function during a power outage without backup.[[123]](#footnote-124)

**G*.* Certification to Satisfy Customer Service and Service Quality Standards**

Historically, a petitioner seeking an ETC designation for purposes of becoming eligible to receive high-cost support was required to demonstrate its ability to satisfy applicable consumer protection and service quality standards.[[124]](#footnote-125) However, for petitioners seeking ETC designation for the purposes of becoming authorized to receive Auction 904 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 904 winning bid areas and specific reporting obligations relating to such standards.[[125]](#footnote-126)

 Nonetheless, as an RDOF recipient, YTV is required to provide voice service and consequently will offer a protected, standalone basic voice service over a fiber-based IP platform.[[126]](#footnote-127) Even though YTV will be providing an interconnected VoIP service throughout its Designated Service Area, interconnected VoIP service remains subject to all applicable consumer protections and quality of service standards under Pennsylvania law.[[127]](#footnote-128) Consequently, 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.[[128]](#footnote-129) Thus, YTV certifies that it will satisfy all consumer protection and service quality standards required by the FCC, as well as all applicable state-specific consumer protection and service quality standards.[[129]](#footnote-130)

**H*.* Certification Regarding Financial and Technical Ability to Provide Lifeline Service**

Generally, a carrier seeking only low-income support under Subpart E, 47 C.F.R. §§ 54.400-54.422, must demonstrate that it possesses the financial and technical ability to provide Lifeline service.[[130]](#footnote-131) 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 BIAS plans offered to Lifeline subscribers.[[131]](#footnote-132) However, YTV is seeking to be designated an ETC only in those high-cost areas in Pennsylvania where it has been awarded Auction 904 support.[[132]](#footnote-133) As such, per the federal rules, YTV is not required to demonstrate its financial and technical ability to provide Lifeline service in these areas.

Notwithstanding, as a RDOF winning bidder, YTV is required to offer Lifeline service throughout its Designated Service Area. Moreover, as a common carrier designated as an ETC in Pennsylvania, YTV is required to and must participate in the federal Lifeline program and offer Lifeline service to low‑income eligible customers or households in its Designated Service Area.[[133]](#footnote-134) Therefore, under independent state law, we will ensure that YTV has the technical and financial capability to provide Lifeline services to eligible low-income consumers residing in the Auction 904 census blocks. We will also ensure that YTV meets the obligation to provide Lifeline and has a program reasonably designed to educate the public about the availability of Lifeline service.

As previously noted, YTV was one of the successful bidders in Auction 904 that is aiding with the construction of the planned network facilities in Pennsylvania, and the FCC’s RDOF Phase I bidding process required the substantive demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders. Accordingly, the Commission determines that YTV has demonstrated it is technically, managerially, and financially fit to offer and provide Lifeline service to qualifying low-income consumers in all high-cost areas in Pennsylvania where it is authorized to receive support.

 Further, upon review, YTV has committed to offering Lifeline services, consistent with the FCC’s rules and the Commission’s rules and guidelines.[[134]](#footnote-135) The Company has provided the requisite information in its Petition and accompanying supplements about its Lifeline service plan offerings.[[135]](#footnote-136) YTV describes in detail the voice and BIAS plans that it will offer to Lifeline subscribers, and provides the terms and conditions for these services.[[136]](#footnote-137) The Company will offer the same services to Lifeline customers as it offers to non-Lifeline customers.[[137]](#footnote-138) Additionally, YTV’s Petition and supplements include the requisite description of its voice and Internet access service offerings for Lifeline subscribers.

 Accordingly, the Commission determines that YTV will provide Lifeline service to qualifying low-income consumers consistent with 47 C.F.R. §§ 54.202(a)(5) and 54.202(a)(6) and Pennsylvania-specific rules in all areas in Pennsylvania where it is authorized to receive federal high-cost support.

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

 ETC 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. YTV 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.[[138]](#footnote-139)

**J*.* Certification to Relinquish Its ETC Designation**

YTV may possibly replace the current incumbent price cap ETCs as the only carrier receiving federal USF high-cost support in certain census blocks within the ILECs’ local exchanges.[[139]](#footnote-140) 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.[[140]](#footnote-141) Thus, in those areas where a new provider is granted high-cost ETC status and is authorized to receive Auction 904 support, the incumbent price cap carrier can be relieved of its federal high-cost ETC obligation to offer voice telephony services in that area.

However, this forbearance action does not relieve the price cap ETC of its other “incumbent-specific obligations” like interconnection and negotiating unbundled network elements pursuant to Sections 251 and 252 of the Act. Additionally, even if an incumbent price cap carrier is being relieved of its ETC obligation to provide qualifying voice telephony service where the CETC is the only entity that receives federal high-cost support, it is still required to do the following: (1) seek relinquishment of its ETC designation as prescribed under Section 214(e)(4) of the Act and (2) maintain existing voice service until they receive discontinuance authority under Section 214(a) of the Act and Section 63.71 of the FCC’s rules.[[141]](#footnote-142) Thus, price cap carriers will remain subject to ETC obligations other than those covered by the FCC’s forbearances unless or until they relinquish their ETC designations in those areas pursuant to Section 214(e)(4) of the Act.

Further, price cap carriers in these areas will remain subject to other Title II requirements, including ensuring (1) that voice telephony rates remain just and reasonable and (2) adherence to the nondiscrimination obligations of Sections 201 and 202 of the Act. Moreover, pursuant to our Pennsylvania-specific carrier of last resort (COLR) obligations, the Commission will ensure that the local rates that the relinquishing price cap carrier offers in the areas from which they may forbear remain just and reasonable.[[142]](#footnote-143) Lastly, these price cap carriers must continue to satisfy all Lifeline ETC obligations by offering voice telephony service to qualifying low-income individuals and households in areas in which they are subject to this limited FCC forbearance.

The same standard will apply to YTV upon its ETC designation as the designation will require the Company to ensure that *all* customers are served in its Designated Service Area upon request. YTV, as a common carrier with an ETC designation, will continue to have the obligation to serve all customers in the Auction 904 census blocks where it will receive federal high-cost support up until the time it is permitted by the Commission to relinquish its ETC designation.[[143]](#footnote-144) Hence, if all other ETCs in YTV’s proposed Designated Service Area are permitted to relinquish their ETC designations, YTV, as the competitive ETC, may be required to ensure that all customers served by the relinquishing carriers in their respective service areas will continue to be served.[[144]](#footnote-145)

Accordingly, if at some point in the future YTV becomes the only entity in the geographic area that receives federal high-cost support, if it seeks to relinquish its ETC designation, it certifies that it will comply with the requirements of Section 54.205 as well as independent state law.[[145]](#footnote-146)

**K*.* Certification Regarding Applicable Annual Reporting and Certification Requirements for High-Cost Support Recipients**

Pursuant to 47 C.F.R. § 54.806, an RDOF recipient is required to comply with applicable annual reporting requirements, compliance measures, recordkeeping requirements and audit requirements for high-cost support recipients under Sections 54.313, 54.314, 54.316 and 54.320(a)–(c) of the FCC’s rules.[[146]](#footnote-147)

**L.Analysis and Public Interest Standard**

 YTV meets the ETC requirement of being a common carrier. The Company will provide interconnected VoIP service (and BIAS) in Pennsylvania. Additionally, YTV will also provide standalone interconnected VoIP service in its Designated Service Area. As such, YTV is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation. Moreover, the Commission finds that, as a common carrier, YTV has established through the required certifications and related filings that it satisfies the standards applicable to obtaining a high-cost ETC designation and that it will comply with the requisite service requirements and obligations attendant to its high-cost designation as specified in the Act, the Commission’s rules, and under independent state law.

However, pursuant to 47 U.S.C. § 214(e)(2), the Commission must still determine that designating YTV as a high-cost ETC in the eligible Auction 904 census blocks would be in the public interest.[[147]](#footnote-148) When making a public interest determination for an ETC designation under 47 U.S.C. § 214(e)(2), we have historically considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner’s service offering in the Designated Service Area.[[148]](#footnote-149)

Granting an ETC designation may serve the public interest by providing a choice of voice and BIAS service offerings to consumers residing within our rural high-cost areas. Additionally, as a condition of obtaining a high-cost ETC designation, YTV is required to serve low-income consumers by offering Lifeline discounts to its service offerings, which ensures the availability of new, facilities-based Lifeline services at competitive prices in these areas.

We believe the Section 214(e)(2) public-interest test has been met because YTV has been assigned a significant number of winning bids in Auction 904, which will result in Pennsylvania benefitting from the federal support associated with those winning bids.[[149]](#footnote-150) Essentially, the Auction 904 support will allow YTV to offer voice and broadband data services to areas in Pennsylvania that currently do not have broadband access services. Receipt of Auction 904 high-cost support funding will be a considerable benefit to Pennsylvania, which is otherwise a net-contributor state to the federal USF funding mechanism. It will facilitate the provision of additional access to voice and broadband services to Pennsylvania consumers in rural areas that are expensive and difficult to serve. Recipients of RDOF Phase I support are required to offer voice and broadband access services at modern speeds with latency suitable for real-time applications, including VoIP, and usage capacity that is reasonably comparable to similar offerings in urban areas. YTV has certified that it will abide by the FCC’s rules for voice and broadband access services in accordance with its orders and regulations.[[150]](#footnote-151)

 Granting YTV’s request to be designated a high-cost ETC will permit the Company to secure the release of the total 10-year support of $5,105,375.70 by the FCC from Auction 904 to deploy broadband-capable networks in rural underserved areas in Pennsylvania where such deployment might otherwise prove more expensive or take longer to implement.[[151]](#footnote-152) Accordingly, we determine that granting an ETC designation to an entity in those areas where it is authorized to receive Auction 904 support as a winning bidder serves the public interest.

 YTV was assigned winning bids in Auction 904 in the following manner:

|  |  |  |  |
| --- | --- | --- | --- |
| **Bidder** | **State** | **Annual Assigned Support/yr for a ten-year period** | **Locations Assigned** |
| NexTier Consortium | PA | $510,537.57[[152]](#footnote-153) | 4,460[[153]](#footnote-154) |

Specifically, granting YTV’s request to be designated an ETC will permit it to secure the release of the total 10-year support of $5,105,375.70 that has been assigned to it by NexTier Consortium to deploy broadband-capable networks in rural underserved areas in Pennsylvania where such deployment might otherwise prove more expensive or take longer to implement. Accordingly, we determine that granting an ETC designation to an entity in those areas where it is authorized to receive Auction 904 support as a winning bidder serves the public interest.

 Since an ETC designation will assist YTV to secure federal universal service high-cost support funding under RDOF Phase I in its Designated Service Area and 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 YTV is in the public interest. It promotes both the FCC’s and the Pennsylvania General Assembly’s goals of preserving and advancing universal telecommunications and broadband services 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(1) and (2), 3012 (definition of universal broadband availability), and 3014(a) and (b).

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

Upon receiving designation as an ETC in the eligible census blocks in Pennsylvania where it has been awarded Auction 904 federal high-cost support, the ETC is required to participate in the federal Lifeline program and must offer Lifeline service to qualified low-income eligible customers or households residing in these individual census blocks.[[154]](#footnote-155) YTV’s Lifeline service must meet the minimum standards set forth in the FCC’s *Lifeline Reform Orders*, which have been codified at Title 47, Chapter I, Part 54, Subpart E and govern universal service support provided to low-income consumers. All other 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.

1. **The FCC’s Rules Applicable to YTV Governing Lifeline**

**1. 47 C.F.R. § 54.405**

**Lifeline service provider obligations**

All 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 access 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.[[155]](#footnote-156) In Pennsylvania, all ETCs must receive a notice from the National Verifier that their potential Lifeline subscribers are certified eligible to receive Lifeline services.[[156]](#footnote-157) Lifeline service providers can help Lifeline consumers obtain an eligibility determination 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.[[157]](#footnote-158)

As Pennsylvania is a National Verifier state, YTV 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 for Lifeline Service, the ETC may provide Lifeline service so that the Lifeline discount can be applied to the consumer’s landline connection.[[158]](#footnote-159)

Further, a Lifeline service provider must certify that it complies with the FCC federal policy rules for de-enrolling an account from Lifeline support. [[159]](#footnote-160) 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;[[160]](#footnote-161) (2) de-enrollment for duplicative support;[[161]](#footnote-162) (3) de-enrollment for non-usage;[[162]](#footnote-163) (4) de-enrollment for failure to re-certify; 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.[[163]](#footnote-164) ETCs are required to annually certify compliance with the applicable minimum service level rules by submitting Form 481 to USAC.[[164]](#footnote-165)

**B. 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.[[165]](#footnote-166) Section 3019(f) of the Pennsylvania Public Utility 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 these Pennsylvania statutory requirements, the Commission also has established other Lifeline eligibility criteria via orders.[[166]](#footnote-167) To the extent that federal law or federal requirements for Lifeline service have not preempted or made our Pennsylvania state-specific Lifeline requirements obsolete, they remain applicable to all Lifeline service providers. For example, our *PA Lifeline Order* 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, Lifeline subscribers will be recertified either automatically through the National Verifier’s state/federal data sources or receive a recertification request from USAC.[[167]](#footnote-168) Additionally, ETCs are required to report to the Commission annual changes in their Pennsylvania Lifeline enrollment. Thus, ETCs must certify that they will comply with relevant requirements set forth in the *Pa. Lifeline Order*, *Tracking Report Order*, and *Policy Statement*.

 **C. Analysis**

YTV certifies that it satisfies 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.[[168]](#footnote-169) Further, YTV also certifies that it satisfies and will abide by the Commission’s requirements in the Public Utility Code, our ETC Guidelines, and all other Lifeline-related orders.[[169]](#footnote-170)

Since YTV has committed itself to serve low-income consumers by offering Lifeline discounts to its service offerings, we find that reliance on its commitments to meet these and other regulatory requirements, as well as representations and commitments made in its Petition, is reasonable and consistent with the public interest and the Act.

**III. Change in Corporate Control and Renewed ETC Designation**

In the event of a change of or transfer in corporate control, as defined in the Commission’s regulations at 52 Pa. Code § 63.322, YTV 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 YTV to file for renewal of its ETC designation at the same time it files any application for a change or transfer of control under our regulations.

**CONCLUSION**

We acknowledge that YTV is only required to provide certifications as part of its ETC petition and is not required to demonstrate its capability to provide service as certified. 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,[[170]](#footnote-171) our action to designate YTV does impose certain statutory and regulatory obligations on the Company once it is authorized to receive the awarded Auction 904 support in the eligible census blocks in Pennsylvania.

Based upon our review of YTV’s Petition, as supplemented, we determine that YTV satisfies all applicable and relevant FCC rules and federal requirements necessary to obtain a high-cost ETC designation for the purpose of receiving Auction 904 high-cost support as discussed above. YTV also meets the additional requirements for ETC designation as outlined in the Commission’s Policy Statement at 52 Pa. Code § 69.2501. Further, YTV has certified that it will comply with all applicable annual reporting requirements for high-cost support recipients provided under 47 C.F.R. §§ 54.805-806 and 47 C.F.R. §§ 54.313, 54.316, and 54.320.[[171]](#footnote-172)

Consumers will benefit from the Commission’s decision to designate YTV an ETC in the townships and boroughs located throughout its service territory. Granting YTV an ETC designation will allow the Company to receive RDOF Phase I high-cost support funding to expand voice and broadband-capable networks with service quality that meets the FCC’s and Pennsylvania’s requirements in the RDOF-awarded census blocks.

As an ETC receiving federal high-cost support, YTV 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 YTV and its affiliates will also be providing voice and BIAS to non­Lifeline customers, we require YTV to comply with applicable Commission and FCC requirements governing the delivery of voice and BIAS to non-Lifeline consumers.

We note that with the grant of this ETC designation, YTV may replace the current incumbent price cap ETCs in the future as the only carrier receiving federal high-cost support in those census block groups within the local exchanges where it has received an ETC designation. If such relinquishment occurs, YTV, as a successor ETC, will be required to ensure that all customers served by a relinquishing carrier in the Company’s Designated Service Area will continue to be served. Since YTV may become the entity having the ETC COLR obligation, it too must first seek to relinquish its ETC designation before ceasing to provide the qualified supported services.

Upon receipt of a federal high-cost ETC designation, a winning RDOF Phase I bidder is required to offer Lifeline services and comply with the rules and requirements of the federal Lifeline program arising under state and federal law and provide Lifeline service throughout its Designated Service Area.

In sum, in consideration of YTV’s Petition for ETC designation, as supplemented, we conclude that the Company meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain an ETC designation and that it is in the public interest to grant YTV’s request for designation as an ETC. As a federal high-cost ETC designee, YTV will become eligible to secure the federal high-cost support assigned to the geographic area for which it has received its ETC designation. Our finding to designate YTV as an ETC in the discrete census blocks where it has been awarded federal high-cost support in Auction 904 is in accord with Section 214 of the Act, the FCC’s regulations and orders related to ETC designation, Section 3019(f) of the Public Utility 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 Petition of Youngsville Television Corporation d/b/a Blue Fiber Corp. 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 designates Youngsville Television Corporation d/b/a Blue Fiber Corp. as an Eligible Telecommunications Carrier in those Rural Digital Opportunity Fund Phase I-eligible census blocks in its Designated Service Area as listed in Appendix A attached to this Order.
3. That to the extent the Federal Communications Commission takes official action in Phase I of the Rural Digital Opportunity Fund so that it will no longer provide federal high-cost support to any of the 386 census blocks listed in Appendix A, Youngsville Television Corporation d/b/a Blue Fiber Corp. will serve as a Lifeline-only Eligible Telecommunications Carrier in these unfunded census blocks located in its Designated Service Area.
4. That upon its designation as an Eligible Telecommunications Carrier in Pennsylvania, Youngsville Television Corporation d/b/a Blue Fiber Corp. will become qualified to receive the federal high-cost support awarded via the Rural Digital Opportunity Fund in those Phase I-eligible census blocks located in certain local exchanges throughout the Commonwealth of Pennsylvania as listed in Appendix A attached to this Order.

5. That the rules of the Federal Communications Commission regarding the redefinition process as it relates to Youngsville Television Corporation d/b/a Blue Fiber Corp’s designation as a federal high-cost Eligible Telecommunications Carrier below the study area levels of Windstream Pennsylvania, Inc. are inapplicable for the reasons set forth in this Order.

6. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall file a

tariff for its qualifying voice service that it offers in any noncompetitive local exchange located within its Designated Service Area.

7. That Youngsville Television Corporation d/b/a Blue Fiber Corp. is required to offer Lifeline service to any eligible low-income consumers or households located throughout its Designated Service Area as described in this Order.

8. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall file a Lifeline tariff with the Commission’s Bureau of Technical Utility Services within 30 days of the entry of this Order.

9. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall submit its proposed Residential Phone Terms and Conditions to the Commission’s Bureau of Consumer Services prior to the commencement of service and dissemination to the public to ensure that it complies with all applicable regulations at Chapter 64, Title 52 of the Pennsylvania Code, especially as to the terms and conditions regarding billing standards and practices, and disclosure of early termination and other fees.

10. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall submit a mock-up of its final marketing and promotional materials (e.g., bill message, advertisements and sales brochures) regarding its RDOF-funded interconnected VoIP service and BIAS and Lifeline service to the Bureau of Consumer Services for its review and approval for plain language requirements at 52 Pa. Code § 69.251 and compliance with all applicable regulations at 47 C.F.R. § 54.405(c) and (d) prior to distribution of these materials to the public.

11. That Youngsville Television Corporation d/b/a Blue Fiber Corp. 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 its Lifeline customers on Lifeline and other related issues.

12. That Youngsville Television Corporation d/b/a Blue Fiber Corp. 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.

13. That Youngsville Television Corporation d/b/a Blue Fiber Corp. 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.

14. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall pay Pennsylvania’s Telecommunications Relay Service fee, E911 fees, and Pennsylvania Universal Service Fund fees.

15. That Youngsville Television Corporation d/b/a Blue Fiber Corp. shall notify the Commission of any change in its network architecture that will impact its interconnected VoIP or BIAS offerings in Pennsylvania.

16. That the failure of Youngsville Television Corporation d/b/a Blue Fiber Corp. 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.

17. That the Secretary shall serve a copy of this Order on Youngsville Television Corporation d/b/a Blue Fiber Corp., Verizon North LLC, Verizon Pennsylvania LLC, Windstream Pennsylvania, Inc., the Office of Consumer Advocate, and the Office of Small Business Advocate.

18. That Notice of this Order shall be published in the *Pennsylvania Bulletin*.

19. That this docket shall be marked closed.

**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: August 26, 2021

ORDER ENTERED: August 26, 2021

1. As discussed in more detail below, RDOF winning bids were actually awarded to NexTier Consortium, which assigned its winning bids in Pennsylvania to YTV, which was a part of that consortium. [↑](#footnote-ref-2)
2. YTV Petition at 1-2, 8, 14, Exhibit A. [↑](#footnote-ref-3)
3. *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17672 para. 17 (2011) (*USF/ICC Transformation Order*), *aff’d sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014). [↑](#footnote-ref-4)
4. *Id*. at 17667, para. 1. [↑](#footnote-ref-5)
5. *Id*. at 17725, para. 156-57. [↑](#footnote-ref-6)
6. *Id.* [↑](#footnote-ref-7)
7. *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) (*CAF* *Phase II Auction Order*). [↑](#footnote-ref-8)
8. *Id*. [↑](#footnote-ref-9)
9. *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).* Per subsequent FCC orders, the Lifeline benefit has been reduced, and it is currently set at $5.25 for standalone voice. However, Lifeline support for standalone voice services is set to go from $5.25 to zero after December 1, 2021, although that decision is under reconsideration at the FCC*.* [↑](#footnote-ref-10)
10. *Id*. at 6690-91, paras. 77-78. [↑](#footnote-ref-11)
11. *Id.* [↑](#footnote-ref-12)
12. *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)
13. *Id.* at 6690-91, paras. 77-78. [↑](#footnote-ref-14)
14. *USF/ICC Transformation Order*, 26 FCC at 17732, para. 178. [↑](#footnote-ref-15)
15. *Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 8257 (*Auction 903 Closing Public Notice*). [↑](#footnote-ref-16)
16. *Rural Digital Opportunity Fund; Connect America Fund*; Notice of Proposed Rulemaking, 34 FCC Rcd 6778 (2019) (*Rural Digital Opportunity Fund NPRM*). [↑](#footnote-ref-17)
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-18)
18. *Rural Digital Opportunity Fund et al.,* Report and Order, 35 FCC Rcd 686 (2020) (*RDOF Order*). [↑](#footnote-ref-19)
19. The FCC determined that eligible areas for Phase I would include (1) the census blocks for which price cap carriers currently receive CAF Phase II model-based support; (2) any census blocks that were eligible for, but did not receive, winning bids in the CAF Phase II auction; (3) any census blocks where a CAF Phase II auction winning bidder has defaulted; (4) the census blocks excluded from the offers of model-based support and the CAF Phase II auction because they were served with voice and broadband of at least 10/1 Mbps; (5) census blocks served by both price cap carriers and rate-of-return carriers to the extent that the census block is in the price cap carrier’s territory, using the most recent study area boundary data filed by the rate-of-return carriers to identify their service areas and determine the portion of each census block that is outside this service area; (6) any unserved census blocks that are outside of price cap carriers’ service areas where there is no certified high-cost eligible telecommunications carrier providing service, such as the Hawaiian Homelands, and any other populated areas unserved by either a rate-of-return or price cap carrier; and (7) any census blocks identified by rate-of-return carriers in their service areas as ones where they do not expect to extend broadband. *Id*. at 691, para. 12. [↑](#footnote-ref-20)
20. *Id*. at 690, para. 9. [↑](#footnote-ref-21)
21. *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-22)
22. As a result of Auction 904, some homes and businesses would have voice as well as broadband Internet access services available with download speeds of at least 100 Mbps. Over 90% of the bids under RDOF will provide broadband at that speed, a speed that exceeds the 25/3 Mbps minimum established for the auction. [↑](#footnote-ref-23)
23. YTV’s May 14, 2021, Data Request Responses at 3. [↑](#footnote-ref-24)
24. *RDOF Order*, 35 FCC Rcd at 725, para. 85. [↑](#footnote-ref-25)
25. YTV’s May 14, 2021, Data Request Responses at 3. [↑](#footnote-ref-26)
26. Auction Results Notice, Winning Bidder Summary, DA 20-1422A2 (December 7, 2020). The identified locations are the minimum deployments required by the FCC. The bidder must also deploy to other locations identified in the census block as part of their obligation. In YTV’s Petition at 1 and 3, the Company states that it is eligible to receive total funding of $5,031,287.70 over ten years, or $503,128.77 per year, for 4,398 locations. However, by letter filed on March 26, 2021, YTV corrected these figures. [↑](#footnote-ref-27)
27. *RDOF Order*, 35 FCC Rcd at 722, para. 79, 726, para. 90; *RDOF Closing Public Notice*, 35 FCC Rcd at 18893-95, para. 17. [↑](#footnote-ref-28)
28. *RDOF Closing Public Notice*, 35 FCC Rcd 13893-95 para. 17; *see also* 47 C.F.R. § 54.804(b)(5). On May 24, 2021, the Commission issued a “good faith” letter to YTV stating that our review of its Petition would not be completed prior to the deadline despite YTV’s good faith efforts. YTV filed a request to waive the Auction 904 deadline with the FCC on June 1, 2021. *Petition of Youngsville Television Corporation for Waiver of Section 54.804(b)(3) of the Commission’s Rules*, AU Docket No. 20-34. [↑](#footnote-ref-29)
29. YTV Petition at 1, 14, and Exhibit A. [↑](#footnote-ref-30)
30. YTV Petition at 2 and 14; YTV’s March 22, 2021 Data Request Responses at 9. [↑](#footnote-ref-31)
31. YTV Petition at 2. [↑](#footnote-ref-32)
32. *Id.* [↑](#footnote-ref-33)
33. *Id.* [↑](#footnote-ref-34)
34. *Id.* [↑](#footnote-ref-35)
35. *Id*. [↑](#footnote-ref-36)
36. *Id*.; YTV’s August 11, 2021 Letter. [↑](#footnote-ref-37)
37. YTV Petition at 2-3; YTV’s March 22, 2021 Data Request Responses at 10. [↑](#footnote-ref-38)
38. YTV Petition at 3, 6-7; YTV’s March 22, 2021 Data Request Responses at 10-11; YTV’s March 26, 2021 Letter to Correct Error in Petition. [↑](#footnote-ref-39)
39. YTV Petition at 2; YTV’s March 22, 2021 Data Request Responses at 6. [↑](#footnote-ref-40)
40. YTV’s August 11, 2021 Letter. [↑](#footnote-ref-41)
41. YTV Petition at 5; YTV’s March 22, 2021, Data Request Responses at 5-6, 8; YTV’s April 22, 2021, Data Request Responses at 2; YTV’s May 14, 2021, Data Request Responses at 1; YTV’s August 11, 2021 Letter. [↑](#footnote-ref-42)
42. YTV Petition at Exhibit A. [↑](#footnote-ref-43)
43. YTV’s March 22, 2021, Data Request Responses at 11. [↑](#footnote-ref-44)
44. *Id*. at Exhibit I; YTV’s June 30, 2021 Data Request Responses at 2-9. [↑](#footnote-ref-45)
45. YTV’s June 30, 2021 Data Request Responses at 2-9. [↑](#footnote-ref-46)
46. YTV filed supplemental information, generally in response to staff data requests, on March 22, 2021, March 26, 2021, April 22, 2021, May 14, 2021, June 30, 2021, July 30, 2021, and August 11, 2021. [↑](#footnote-ref-47)
47. 47 U.S.C. § 254(e). [↑](#footnote-ref-48)
48. 47 U.S.C. § 214(e)(6). [↑](#footnote-ref-49)
49. *See Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 8847‑76, paras. 128-80 (1997)*.* [↑](#footnote-ref-50)
50. 47 U.S.C. § 214(e) (1)(A); *see also* 47 C.F.R. § 54.201(d)(1). [↑](#footnote-ref-51)
51. 47 U.S.C. § 214(e)(1)(A); *see also* 47 C.F.R. § 54.201(d)(1). [↑](#footnote-ref-52)
52. 47 U.S.C. § 214(e)(1)(B); *see also* 47 C.F.R. § 54.201(d)(2). [↑](#footnote-ref-53)
53. 47 U.S.C. § 214(e)(5); *see also* 47 C.F.R. § 54.207(a). [↑](#footnote-ref-54)
54. *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-55)
55. 47 C.F.R. § 54.202(a)(1)(i). [↑](#footnote-ref-56)
56. 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-57)
57. 47 C.F.R. 54.202(a)(2). [↑](#footnote-ref-58)
58. 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-59)
59. 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-60)
60. 21 U.S.C. § 862; 47 C.F.R. § 1.2002(a)–(b). [↑](#footnote-ref-61)
61. 52 Pa. Code § 69.2501(a). [↑](#footnote-ref-62)
62. *RDOF Order*, 35 FCC Rcd at 724-725, para. 84. [↑](#footnote-ref-63)
63. As a part of the FCC’s long-form application process, YTV must file more extensive information demonstrating to the FCC that it is legally, technically, and financially qualified to receive support and that it meets the public interest obligations in each area for which it seeks Auction 904 support. *Id*. at 717-18, paras. 66-70. We note that any additional obligations imposed on YTF arising from the FCC’s long-form application review would be applicable in Pennsylvania. [↑](#footnote-ref-64)
64. 47 U.S.C. § 254(e). [↑](#footnote-ref-65)
65. 47 C.F.R. § 54.201(d). [↑](#footnote-ref-66)
66. Pursuant to Section 153(10) of the Act, a “telecommunications carrier” 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, the term “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-67)
67. 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-68)
68. *USF/FCC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b). [↑](#footnote-ref-69)
69. YTV Petition at 3, 4, 5, 6-7, 8, 9, Exhibit B. [↑](#footnote-ref-70)
70. As described in its Petition, YTV will offer interconnected VoIP service in Pennsylvania. As also described in its Petition, YTV will use a third-party so that its interconnected VoIP customers can access the PSTN. We note that YTV has not requested a certificate of public convenience from the Commission. However, certification as a public utility is not a prerequisite to obtaining an ETC designation from the Commission. We further note that the issue of certification is not squarely before us and is beyond the scope of this time sensitive ETC designation proceeding where substantial federal funding to support broadband deployment in rural areas of the Commonwealth is at stake. For these and other reasons, we do not address YTV’s certification status at this time. Nevertheless, our order addressing YTV’s request for ETC designation is without prejudice to any future Commission action or decision that may occur regarding the certification status of YTV. [↑](#footnote-ref-71)
71. YTV Petition at 3, 6; YTV’s March 22, 2021, Data Request Responses at 6. [↑](#footnote-ref-72)
72. YTV’s August 11, 2021 Letter. [↑](#footnote-ref-73)
73. *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 C.F.R. § 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). [↑](#footnote-ref-74)
74. YTV Petition at 6; YTV’s March 22, 2021, Data Request Responses at 2, 6, 9. [↑](#footnote-ref-75)
75. YTV Petition at 6. [↑](#footnote-ref-76)
76. YTV’s March 22, 2021, Data Request Responses at 7, Exhibit G. [↑](#footnote-ref-77)
77. YTV Petition at 6, 10; YTV’s March 22, 2021, Data Request Responses at 5-6, 7, Exhibit G. [↑](#footnote-ref-78)
78. YTV’s March 22, 2021, Data Request Responses at 7; YTV’s April 22, 2021, Data Request Responses at 4. [↑](#footnote-ref-79)
79. YTV’s March 22, 2021, Data Request Responses at 5-6, Exhibit G; YTV’s April 22, 2021, Data Request Responses at 4; YTV’s May 14, 2021, Data Request Responses at 2. [↑](#footnote-ref-80)
80. 73 P.S. § 2251.6(1)(i). Under the VoIP Freedom Act, the Commission has retained jurisdiction to enforce applicable federal and Pennsylvania statutes or regulations on interconnected VoIP services, which includes jurisdiction over the provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees. [↑](#footnote-ref-81)
81. *See 2012 Lifeline Reform Order*, 27 FCC Rcd at 6756, para. 229. [↑](#footnote-ref-82)
82. YTV Petition at 6; YTV’s March 22, 2021, Data Request Responses at 5, 6, 9. [↑](#footnote-ref-83)
83. 47 C.F.R. §§ 54.101(a)(2) and (c). [↑](#footnote-ref-84)
84. 47 C.F.R. § 54.805(a). [↑](#footnote-ref-85)
85. 47 C.F.R. § 54.805(b). [↑](#footnote-ref-86)
86. *RDOF Phase I Auction Order*, para. 43. [↑](#footnote-ref-87)
87. *Id*. at para. 32. [↑](#footnote-ref-88)
88. YTV Petition at 6. [↑](#footnote-ref-89)
89. YTV Petition at 6, 7, 8; YTV’s March 22, 2021, Data Request Responses at Exhibit C. [↑](#footnote-ref-90)
90. 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.101. [↑](#footnote-ref-91)
91. *Universal Service Order*, 12 FCC Rcd at 8847, para. 128; 47 C.F.R. § 54.201(e). [↑](#footnote-ref-92)
92. *Id.* at 8870, para. 169; 47 C.F.R. § 54.201(f) and (g). [↑](#footnote-ref-93)
93. *Id.* at 8866, para. 160. [↑](#footnote-ref-94)
94. *December 2014 CAF Order*,29 FCC Rcd at 15668 n.43*; see also* 47U.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”). [↑](#footnote-ref-95)
95. *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)*.* [↑](#footnote-ref-96)
96. *See Rural Digital Opportunity Fund Phase I Auction Order*, FCC 20-77, Para. 139*.* [↑](#footnote-ref-97)
97. YTV Petition at 5-6, 8; YTV’s March 22, 2021, Data Request Responses at 5-6, 8; YTV’s April 22, 2021, Data Request Responses at 2; YTV’s May 14, 2021, Data Request Responses at 1; YTV’s August 11, 2021 Letter. [↑](#footnote-ref-98)
98. YTV Petition at 8. [↑](#footnote-ref-99)
99. YTV Petition at 7. [↑](#footnote-ref-100)
100. YTV Petition at 8; YTV’s March 22, 2021, Data Request Responses at 2-3, 4, Exhibit A; YTV’s May 14, 2021, Data Request Responses at 1. [↑](#footnote-ref-101)
101. YTV’s March 22, 2021, Data Request Responses at 8-9. [↑](#footnote-ref-102)
102. YTV’s March 22, 2021, Data Request Responses at 4, 5. [↑](#footnote-ref-103)
103. 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(a). [↑](#footnote-ref-104)
104. YTV Petition at 1, 8, 14, Exhibit A; YTV’s March 22, 2021, Data Request Responses at Exhibit I; YTV’s June 30, 2021, Data Request Responses at 2-9. [↑](#footnote-ref-105)
105. We note that the FCC recently sent communication to YTV addressing the accuracy of the identified census blocks. Letter from Michael Janson, Kris Monteith, and Giulia McHenry, FCC, to Thomas Mott, YTV (July 26, 2021). Accordingly, on this matter, we note that if YTV seeks to make subsequent changes to any of the 386 census blocks currently incorporated within Appendix A to this Order that is the subject to our approval, we will treat such action as a modification that requires a filing seeking Commission approval following notice and comment. [↑](#footnote-ref-106)
106. Section 214(e)(5) of the Act provides that a CETC service area is defined as the RLEC’s study area unless and until the state commission and the FCC, taking into consideration any recommendations from the Joint Board, redefine the RLEC’s service area to be something other than its study area. [↑](#footnote-ref-107)
107. *See ETC Designation Order*, 20 FCC Rcd at 6392-95, paras. 48-53. [↑](#footnote-ref-108)
108. *RDOF Order*, 35 FCC Rcd at 727-28, paras. 91-93. [↑](#footnote-ref-109)
109. *Id.* para. 92. [↑](#footnote-ref-110)
110. *Id.* [↑](#footnote-ref-111)
111. *Id.* [↑](#footnote-ref-112)
112. To the extent that any of these 386 census blocks become unfunded by the RDOF, YTV will serve as a Lifeline-only ETC in those unfunded census blocks. [↑](#footnote-ref-113)
113. The FCC has determined CAF high-cost recipients need not submit a formal five-year 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. *See generally* *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197, 10-90, Public Notice, DA 18-714, 3-4 (rel. July 10, 2018). [↑](#footnote-ref-114)
114. YTV Petition at 4, 5, 7, 8, 9, 12, Exhibit B; YTV’s July 30, 2021, Data Request Responses at 1 (¶ 3). [↑](#footnote-ref-115)
115. We note that the FCC has launched an additional program, the Emergency Broadband Benefit (EBB), in response to federal legislation signed by President Trump in December 2020. We encourage YTV to participate in EBB. EBB provides up to $50 month to support the purchase of broadband service and up to $100 in one-time equipment costs, supports that could operate to mitigate what might otherwise be a considerable membership burden for lower income consumers. [↑](#footnote-ref-116)
116. YTV Petition at 2, 3, 4, 5, 6, 7, 8, 9, 12; YTV’s March 22, 2021, Data Request Responses at 6; YTV’s July 30, 2021, Data Request Responses at 1 (¶ 1). [↑](#footnote-ref-117)
117. 47 C.F.R. § 9.20; *see also* *Ensuring Continuity of 911 Communications*, Report and Order, 30 FCC Rcd 8677 (2015). [↑](#footnote-ref-118)
118. YTV Petition at 9-10. [↑](#footnote-ref-119)
119. YTV’s April 22, 2021, Data Request Responses at 2. [↑](#footnote-ref-120)
120. *Id*. [↑](#footnote-ref-121)
121. *Id*. [↑](#footnote-ref-122)
122. YTV’s March 22, 2021, Data Request Responses at 5, Exhibit F; YTV’s April 22, 2021, Data Request Responses at 4. [↑](#footnote-ref-123)
123. YTV’s March 22, 2021, Data Request Responses at Exhibit F and Exhibit G. [↑](#footnote-ref-124)
124. 47 C.F.R. § 54.202(a)(3). [↑](#footnote-ref-125)
125. *See* *RDOF Order*. [↑](#footnote-ref-126)
126. YTV Petition at 6. [↑](#footnote-ref-127)
127. We note that standalone basic voice service has not been reclassified as a competitive service under Section 3016 of the Code, 66 Pa.C.S. § 3016, in any of the ILEC service area exchanges or wire centers where YTV proposes to provide its interconnected VoIP service. [↑](#footnote-ref-128)
128. Under the VoIP Freedom Act, the Commission has retained jurisdiction to enforce applicable federal and Pennsylvania statutes or regulations on interconnected VoIP services relating to the following subject matters: (i) The provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Commission.  73 P.S. § 2251.6(1)(i)-(v); *see Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013); *Application of Momentum Telecom, Inc. for Approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania*, Docket No. A-2014-2450071 (Order entered May 20, 2015); *see also Mozilla Corp. v. FCC*, 940 F.3d 1, 74-86 (D.C. Cir. 2019). [↑](#footnote-ref-129)
129. YTV Petition at 10. [↑](#footnote-ref-130)
130. 47 C.F.R. § 54.202(a)(4). [↑](#footnote-ref-131)
131. 47 C.F.R. §§ 54.202(a)(5) and 54.202(a)(6). [↑](#footnote-ref-132)
132. YTV Petition at 1, 8, 14, Exhibit A. [↑](#footnote-ref-133)
133. As stated *infra* at footnote 9, currently, federal rules limit Lifeline funding support to $5.25 per month per subscriber for voice services. While Lifeline supports both broadband access and voice service, subscribers, a subscriber cannot receive the $5.25 support separately for each service. The Lifeline subscriber’s $5.25 support may be applied to BIAS a Lifeline consumer may choose to purchase or the Lifeline support may be used for broadband access and voice bundles so consumers choosing a bundled package containing voice and broadband access service can apply the $5.25 monthly support to that bundle. [↑](#footnote-ref-134)
134. YTV Petition at 7, 10-11; YTV’s March 22, 2021, Data Request Responses at 1-5, 6-7, 8-9. [↑](#footnote-ref-135)
135. YTV Petition at 10-11; YTV’s March 22, 2021, Data Request Responses at 1-2, Exhibit A, Exhibit E; YTV’s April 22, 2021, Data Request Responses at 2, Exhibit A; YTV’s May 14, 2021, Data Request Responses at 2. [↑](#footnote-ref-136)
136. YTV Petition at 10-11; YTV’s March 22, 2021, Data Request Responses at 1-2, Exhibit A, Exhibit E; YTV’s April 22, 2021, Data Request Responses at 1, Exhibit A. [↑](#footnote-ref-137)
137. YTV Petition at 10-11; YTV’s March 22, 2021, Data Request Responses at 1-2. [↑](#footnote-ref-138)
138. YTV Petition at 13, Exhibit B. [↑](#footnote-ref-139)
139. 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). [↑](#footnote-ref-140)
140. *See* *December 2014* *Connect America Order*, Report and Order, 29 FCC Rcd 15644, 15663-71, paras. 50-70. [↑](#footnote-ref-141)
141. *RDOF Order*, 35 FCC Rcd at 743-744, paras. 134-35. [↑](#footnote-ref-142)
142. *Id.* at para. 134. *See also* 66 Pa.C.S. § 1301. [↑](#footnote-ref-143)
143. 47 U.S.C. § 214(e)(4). [↑](#footnote-ref-144)
144. *2005 ETC Designation Order*, 20 FCC Rcd 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. [↑](#footnote-ref-145)
145. YTV’s July 30, 2021, Data Request Responses at 1 (¶ 2). [↑](#footnote-ref-146)
146. 47 C.F.R. §§ 54.313, 54.314, 54.316 and 54.320(a)–(c). [↑](#footnote-ref-147)
147. The FCC’s regulations impose a public interest requirement at 47 C.F.R. Section 54.202(b). However, this public interest requirement is not applicable here. Rather, it is applicable only when the FCC is designating a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission. [↑](#footnote-ref-148)
148. *See generally* *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 Rcd. 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 Rcd 1563, 1565. para. 4 (2004)*.* [↑](#footnote-ref-149)
149. *See* YTVPetition at 1-2, 12-13; YTV’s March 26, 2021 Letter to Correct Error in Petition. [↑](#footnote-ref-150)
150. YTV Petition at 4, 6-7, 8, Exhibit B; also *see* 47 C.F.R. § 54.805(a). [↑](#footnote-ref-151)
151. Auction Results Notice, Winning Bidder Summary, DA 20-1422A2 (December 7, 2020) (noting the support for the NexTier Consortium, which in turn assigned its winning Pennsylvania bids to YTV). [↑](#footnote-ref-152)
152. *Long-Form Applicants Spreadsheet* as corrected by YTV’s March 26, 2021 Letter to Correct Error in Petition. [↑](#footnote-ref-153)
153. *Id*. [↑](#footnote-ref-154)
154. *RDOF Order*, 35 FCC Rcd. at 707-08, para. 42. [↑](#footnote-ref-155)
155. 47 C.F.R. § 54.410. [↑](#footnote-ref-156)
156. In its *2016 Lifeline Order*, the FCC established the National Verifier as the entity designated to make the initial eligibility determination regarding a potential Lifeline subscriber. *2016 Lifeline Order*, 31 FCC Rcd 3962, 4007, para. 128 (2016). [↑](#footnote-ref-157)
157. 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-158)
158. 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-159)
159. *See* 47 C.F.R. § 54.405(e). 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 query NLAD to verify their current Lifeline subscribers’ continued eligibility. [↑](#footnote-ref-160)
160. 47 C.F.R. § 54.405(e)(1). [↑](#footnote-ref-161)
161. 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. § 54.405(e)(2). [↑](#footnote-ref-162)
162. 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-163)
163. 47 C.F.R. § 54.416. [↑](#footnote-ref-164)
164. 47 C.F.R. § 54.422. [↑](#footnote-ref-165)
165. 52 Pa. Code § 69.2501. [↑](#footnote-ref-166)
166. *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, Final Policy Statement Order (Order entered August 2, 2010). [↑](#footnote-ref-167)
167. We acknowledge that many of the 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 developments at the federal level. For example, the creation of the National Verifier and the NLAD has made certain Pennsylvania-specific requirements for verification of Lifeline eligibility and re-certification moot. [↑](#footnote-ref-168)
168. YTV Petition at 4-11, Exhibit B. [↑](#footnote-ref-169)
169. YTV Petition at 4, 5, 7, 8, 10, Exhibit B. [↑](#footnote-ref-170)
170. The ETC designation that we grant to YTV simply establishes its general eligibility for receiving the awarded Auction 904 support in the eligible CBGs in Pennsylvania. [↑](#footnote-ref-171)
171. YTV’s July 30, 2021, Data Request Responses at 1 (¶¶ 4/5). [↑](#footnote-ref-172)