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November 19, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Petition of Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc. For Designation as an Eligible Telecommunications Carrier
Docket No. P-2021-3023915

Expedited Treatment Requested

Dear Secretary Chiavetta:

Enclosed for filing please find the Petition to Modify Compliance Deadline on behalf of Connect Everyone, LLC, a wholly owned subsidiary of Starry, Inc. ("Starry") in the above-referenced matter.

This Petition requests an extension of the deadline for Starry to submit a Lifeline tariff until after Starry is authorized to receive the Rural Digital Opportunity Fund support that it won for certain census blocks in Pennsylvania in the Federal Communication Commission's Auction 904.

Starry also requests expedited treatment of this Petition. Starry is currently obligated to submit a Lifeline Tariff by December 24, 2021, and the Commission has only two public meetings scheduled prior to that deadline. Therefore, in order to allow this Petition to be considered by the Commission prior to the current deadline for filing a Lifeline tariff, Starry respectfully requests that this Petition be reviewed and considered on an expedited basis.

Thank you, and if you have any questions or concerns, please feel free to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

cc: Christian McDewell, Law Bureau, (via electronic mail)
David Screven, Law Bureau (via electronic mail)

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Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc., for Designation as an Eligible Telecommunications Carrier	: : : : : :	Docket No. P-2021-302915
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**PETITION OF CONNECT EVERYONE, LLC
TO MODIFY COMPLIANCE DEADLINE**

Expedited Treatment Requested

Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc. (“Starry”) hereby petitions the Pennsylvania Public Utility Commission (“the Commission”) to extend the deadline for Starry to submit a Lifeline tariff until after Starry is authorized to receive the Rural Digital Opportunity Fund (“RDOF”) support that it won for certain census blocks in Pennsylvania (the “Designated Service Area”) in the Federal Communication Commission’s (“FCC”) Auction 904. In support of this Petition, Starry submits the following:

1. On December 7, 2020, Starry (as Connect Everyone, LLC) was announced as a winning bidder in FCC Auction 904 for 2,203 census blocks (13,792 locations) in Pennsylvania and was assigned a total of \$24,513,988 in RDOF support over ten years for covered services in the state.¹

2. As a condition of receiving the RDOF support, Starry was required to become an Eligible Telecommunications Carrier (“ETC”) in the areas for which it will receive RDOF support.²

¹ 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 Red. 13888, Attach. A, 13911-912 (2020).

² 47 C.F.R. § 54.803.

3. As a result, in January 2021, Starry filed its Petition with the Commission seeking designation as an ETC.

4. The Commission reviewed Starry's ETC Designation Petition and supplements thereto, and determined conditionally that Starry satisfied the applicable minimum standards necessary under federal and state law to obtain designation as an ETC in Pennsylvania.

5. On August 26, 2021, the Commission issued an order ("the Provisional ETC Designation Order"),³ which provisionally granted Starry's Petition and designated Starry as an ETC, conditioned upon Starry submitting evidence of its executed contractual agreement with a managed service provider or other third-party voice platform that will provide it with the capability to offer voice-grade access to the Public Switched Telecommunications Network ("PSTN") for its voice telecommunications service customers within 90 days of the entry of the Order.

6. On November 2, 2021, Starry submitted evidence of the executed contractual arrangement with a third-party voice provider that will provide Starry with the capability to offer voice grade access to the PSTN.

7. Ordering Paragraph 7 of the Provisional ETC Designation Order also requires Starry to "file a Lifeline tariff with the Commission's Bureau of Technical Utility Services within 120 days of the entry of this Order."⁴

8. Starry does not presently provide voice or broadband service in its Designated Service Area, and plans to provide such service after its RDOF long-form application is

³ *Petition of Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc., for Designation as an Eligible Telecommunications Carrier*, Docket No. 2021-3023915 (Provisional ETC Designation Order entered August 26, 2021).

⁴ *Id.*

approved and Starry becomes authorized to receive RDOF funds. Starry is in close contact with FCC staff regarding the status of its long-form application and continues to anticipate that Starry's application will ultimately be approved, although the specific timeline remains uncertain.

9. The FCC does not require a winning bidder of RDOF support to begin providing voice or broadband service in its Designated Service Area until after the FCC's review of the winning bidder's long-form application is complete and the FCC has authorized the winning bidder to receive its RDOF funds. The FCC's rules provide a timeline with specified milestones by which authorized RDOF recipients must deploy service reaching certain percentages of locations within their Designated Service Areas.⁵

10. Filing a Lifeline tariff with the Commission would commit Starry to offering Lifeline services at the rates, terms, and conditions in that tariff before it is obligated to provide such service as a condition of receiving RDOF support and before it is able to provide Lifeline service in its Designated Service Area. Therefore, it would be premature for Starry to file its Lifeline tariff by the current December 24, 2021 deadline.

11. It is in the public interest for the Commission to modify the deadline for Starry to submit a Lifeline tariff until a reasonable time after Starry is authorized to receive its RDOF funding and therefore able to construct its network and provide voice and broadband services in its Designated Service Area.

12. Such a modification is consistent with the findings made by the Commission in its October 28, 2021, Order Granting Partial Reconsideration of the ETC Designation of Starlink

⁵ *Rural Digital Opportunity Fund et al.*, Report and Order, 35 FCC Rcd. 686, 696, ¶ 45 (2020); 47 C.F.R. § 54.802(c).

Services, Inc., in which the Commission granted an extension of time for Starlink Services, Inc. to file a Lifeline tariff until 20 days after Starlink Services, Inc. receives authorization from the FCC to receive the RDOF support that it won in Auction 904.⁶

13. For these reasons, Starry respectfully requests that the Commission modify Ordering Paragraph 7 of Starry's Provisional ETC Designation Order to reflect that Starry must file a Lifeline tariff with the Commission's Bureau of Technical Utility Services no more than 20 days after the FCC authorizes Starry to receive the RDOF support that Starry won in the specific census blocks in Pennsylvania encompassing its Designated Service Area, or in the alternative, stay the enforcement of the Lifeline tariff filing deadline from Ordering Paragraph 7 of the Provisional ETC Designation Order pending disposition of this Petition.

REQUEST FOR EXPEDITED TREATMENT

14. Under Ordering Paragraph 7 of the Provisional ETC Designation Order, Starry is currently obligated to submit a Lifeline Tariff by December 24, 2021.

15. Currently, the Commission has two public meetings scheduled prior to the December 24, 2021, deadline (December 2, 2021, and December 16, 2021). Therefore, in order to allow this Petition to be considered by the Commission prior to the current deadline for filing a Lifeline tariff, Starry respectfully requests that this Petition be reviewed and considered on an expedited basis.

WHEREFORE, for the reasons stated above, Starry respectfully requests that the Commission consider this Petition on an expedited basis, and modify Ordering Paragraph 7 of Starry's Provisional ETC Designation Order to reflect that Starry must file a Lifeline tariff with

⁶ *Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Rural Digital Opportunities Fund Support*, Docket No. 2021-3023580 (Order granting Partial Reconsideration entered October 28, 2021).

the Commission's Bureau of Technical Utility Services no more than 20 days after the FCC authorizes Starry to receive the RDOF support Starry won in the specific census blocks in Pennsylvania encompassing its Designated Service Area, or in the alternative, stay the enforcement of the Lifeline tariff filing deadline from Ordering Paragraph 7 of the Provisional ETC Designation Order pending disposition of this Petition.

Respectfully Submitted,
Connect Everyone LLC, a wholly-owned subsidiary of Starry, Inc.

November 19, 2021

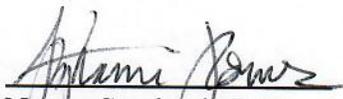


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VERIFICATION

I, Stephanie Power holding the position of Regulatory Counsel, with Starry, Inc., verify that the information provided in the foregoing Petition is true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsifications to authorities.



Name: Stephanie Power
Title: Regulatory Counsel

Date: November 18, 2021