

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

Public Meeting held December 8, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
Stephen M. DeFrank, Vice Chairman  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Petition of Connect Everyone LLC, a wholly  
owned subsidiary of Starry, Inc., for  
Designation as an Eligible Telecommunications  
Carrier

P-2021-3023915

**ORDER**

**BY THE COMMISSION:**

Before the Commission for review and consideration is the October 24, 2022, Petition to Relinquish Eligible Telecommunications Carrier Designation (Petition) filed by Connect Everyone, LLC (Connect Everyone), seeking modification of the Commission's Order entered in the above-captioned matter that provisionally granted Connect Everyone's Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania.<sup>1</sup> Specifically, Connect Everyone requests that it be allowed to relinquish its status as an ETC.

Connect Everyone served its Petition on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, the Commission's Law Bureau, the Office of Attorney General, as well as

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<sup>1</sup> See *Petition of Connect Everyone LLC, a wholly owned subsidiary of Starry, Inc., for Designation as an Eligible Telecommunications Carrier*, Docket No. P-2021-3023915 (Order entered August 26, 2021) (*August 26, 2021 Order*).

all alternative ETCs in Connect Everyone's designated service area. No responses were filed to the Petition. For the reasons stated herein, Connect Everyone's Petition to Relinquish Eligible Telecommunications Carrier Designation is granted.

## **BACKGROUND**

### **I. Connect Everyone's Eligible Telecommunications Carrier Designation Request**

Connect Everyone was awarded \$24,513,988.00 in the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund (RDOF) Auction (Auction 904). Through Auction 904, Connect Everyone will be awarded funding over 10 years to serve 2,203 census blocks in Pennsylvania, encompassing 13,792 locations.<sup>2</sup> The FCC required Connect Everyone to obtain designation as an Eligible Telecommunications Carrier (ETC) from the Commission in all relevant census blocks in Pennsylvania where it had been awarded in Auction 904 support in order for it to qualify to become eligible to receive this federal high-cost support funding.<sup>3</sup>

On January 29, 2021, Connect Everyone, LLC filed a Petition with the Commission in which it sought designation as an ETC in the Commonwealth of Pennsylvania for the purpose of receiving federal Universal Service Fund (USF) high-cost support, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(2), and Sections 54.101, 54.201-54.203 and 54.205-54.209 of the FCC's regulations, 47 C.F.R. §§ 54.101, 54.201-54.203 and 54.205-54.209, and 52 Pa. Code § 69.2501 (ETC Designation Petition). Specifically, in its ETC

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<sup>2</sup> See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, WC Docket No. 19-126 *et al.*, Public Notice, 35 FCC Rcd 13888 (RBATF, OEA, WCB 2020) (Auction 904 Closing Public Notice).

<sup>3</sup> 47 CFR § 54.804(b)(5); Auction 904 Closing Public Notice, 35 FCC Rcd at 13894, 13900-01.

Designation Petition, Connect Everyone requested designation as an ETC in the specific RDOF-eligible census blocks<sup>4</sup> for which it had been awarded funding in Auction 904.

The Commission reviewed Connect Everyone’s ETC Designation Petition and corresponding supplements to determine whether Connect Everyone satisfied the applicable minimum standards necessary under federal and state law to obtain designation as an ETC in Pennsylvania. The Commission concluded, in its *August 26, 2021 Order*, that Connect Everyone currently did not fully meet all of the pertinent statutory criteria and applicable minimum standards necessary under federal and Pennsylvania state law to obtain designation as an ETC for the purpose of receiving Auction 904 high-cost support. Specifically, Connect Everyone did not possess the means to offer or provide voice-grade telecommunications services in Pennsylvania at the time of the Commission’s decision. However, since Connect Everyone met most of the other applicable and relevant FCC rules and federal requirements necessary to obtain an ETC designation, the Commission provisionally granted Connect Everyone’s Petition for an ETC designation. On November 2, 2021, Connect Everyone filed evidence it had executed a contractual agreement with a third-party managed service provider voice platform or other provider that will enable it to offer voice telecommunications service capable of providing access to the Public Switched Telephone Network. By this action, aside from Connect Everyone’s responsibility to file tariffs prior to beginning service,<sup>5</sup> Connect Everyone fulfilled the qualifications to be designated an ETC in accordance with the *August 26, 2021 Order*. Finally, in petitioning for designation as an ETC, Connect

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<sup>4</sup> It is in these federally funded census block groups, also identified as Connect Everyone’s “Designated Service Area” as set forth in Appendix A to the *August 26, 2021 Order*, that Connect Everyone sought federal high-cost ETC designation to offer voice and broadband access services under federal law consistent with the FCC’s public interest obligations.

<sup>5</sup> On December 16, 2021, the Commission issued an order modifying the deadlines for Connect Everyone to file its tariffs. We do not recite that background here as those deadlines are moot as a result of this order.

Everyone acknowledged that it was required to agree to comply with 47 C.F.R. § 54.205 as well as state law if seeking to relinquish its ETC designation.<sup>6</sup>

## **II. Connect Everyone’s Petition to Relinquish ETC Designation**

On October 12, 2022, Connect Everyone, through its parent company Starry,<sup>7</sup> notified the FCC that it intended to relinquish all RDOF support and it would no longer pursue its RDOF winning bids.<sup>8</sup> On the same day, the FCC issued a public notice that Connect Everyone had defaulted on its RDOF awards.<sup>9</sup>

On October 24, 2022, Connect Everyone filed the instant Petition pursuant to 47 U.S.C. § 214(e)(4) requesting that it be allowed to relinquish the ETC designation set forth in the *August 26, 2021 Order*. In its Petition, Connect Everyone averred that it has not received any RDOF or any other form of Universal Support Fund funding, has not constructed any facilities in Pennsylvania, has not commenced any service in Pennsylvania and has no customers in Pennsylvania.<sup>10</sup> Connect Everyone noted that it was complying with the FCC’s relinquishment notice requirements pursuant to 47 C.F.R. § 54.205.

### **DISCUSSION**

We note that any issues we do not specifically address herein have been duly considered and will be denied without further discussion. It is well settled that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. Pub. Util. Comm’n.*,

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<sup>6</sup> *August 26, 2021 Order*, at 38.

<sup>7</sup> For the sake of simplicity we hereinafter refer to Starry as Connect Everyone without distinction between the companies.

<sup>8</sup> Petition ¶ 10.

<sup>9</sup> Petition ¶ 11.

<sup>10</sup> Petition ¶ 12.

625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. Pub. Util. Comm'n.*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

### **Legal Standards**

In accordance with 47 C.F.R. § 54.205(a), an ETC that seeks to relinquish its ETC status must give advance notice to the state commission of such relinquishment.

Additionally, prior to permitting a telecommunications carrier designated as an ETC to cease providing universal service in an area served by more than one ETC, the state commission shall require remaining ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. 47 C.F.R. § 54.205(b).

In a September 3, 2013 Secretarial Letter at Docket No. M-2013-2380576, the Commission adopted the same above criteria for relinquishment for a carrier seeking the relinquishing of its ETC status in Pennsylvania. In the letter, the Commission advised all ETCs that before they are allowed to relinquish their ETC designation in Pennsylvania, they must satisfy the criteria under the Telecommunications Act of 1996 (TA-96) and our rules governing petitions for relief. Specifically, we advised that this Commission may grant a request to relinquish ETC status if the petitioning ETC demonstrates reliable, probative, and substantial evidence of the following:

1. More than one ETC serves the service area(s) in question;
2. The ETC seeking to relinquish its ETC designation has provided advance notice to the Commission of such relinquishment;
3. The Commission, prior to authorizing the relinquishment, requires:
  - a. Remaining ETC(s) to ensure that all customers served by the relinquishing carrier will continue to be served;
  - b. Sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

*See generally* 47 U.S.C. § 214(e)(4); 47 C.F.R. §54.205.

While TA-96 allows an ETC to relinquish its ETC status, and thus forego access to various federal funding sources, we note that the relinquishment process still remains focused on preservation of universal service. To further the federal and state universal service goals, the Commission also requires the following of a carrier that is seeking to relinquish its ETC designation:

1. All Petitions to relinquish ETC status must be accompanied by an affidavit or verification of an authorized individual;
2. The Petition must be served upon the statutory advocates, the Office of Consumer Advocate, Office of Small business Advocate, the Commission's Bureau of Enforcement & Investigation and all carriers referenced in the petition as being alternative ETCs;
3. Notice must be provided to all affected Lifeline customers as follows:
  - a. Written notice 90 days prior to the discontinuation of Lifeline service in the form of a stand-alone mailing separate from any billing or collections mailing;
  - b. Telephonic notice 60 days prior to the discontinuation of Lifeline service
  - c. Written notice 30 days prior to the discontinuation of Lifeline service in the form of a billing insert or stand-alone mailing;
4. The notices should inform affected customers of a date certain that Lifeline service will end, list alternative lifeline providers and offer assistance to those customers who wish to retain Lifeline service;
5. These notices must be attached to the Petition to Relinquish;
6. Petitioners are directed to ensure that the transition to another Lifeline provider is seamless for the Lifeline customer and ensure that the customer is not subject to additional connection fees or deposits. Also, the Petitioner is to assist the Lifeline customer with any lifeline certification occasioned by the petition.

## **Disposition**

The Commission finds that Connect Everyone has met the requirements to relinquish its ETC designation.

Under federal requirements, Connect Everyone must provide advance notice to the state commission that it seeks to relinquish, which it has done. Connect Everyone must also show that more than one ETC serves the customers at issue, that the remaining ETCs adequately serve remaining customers, and that sufficient notice has been provided to those remaining ETCs. The Commission finds Connect Everyone has fulfilled these obligations. Connect Everyone has averred, under verified oath, that it has not constructed any facilities in Pennsylvania and has no customers in Pennsylvania.<sup>11</sup> Connect Everyone has further averred that for each of the areas it was designated an ETC, an Incumbent Local Exchange Carrier is also designated an ETC for those areas.<sup>12</sup> Finally, Connect Everyone has certified that it has served all alternative ETCs with its Petition.<sup>13</sup> No protests or responses were filed to Connect Everyone's Petition.

As to state requirements, Connect Everyone has complied with all requirements. Connect Everyone's Petition is accompanied by a verification and was served on all the necessary parties. Lastly, because Connect Everyone currently has no customers in Pennsylvania, the requirements that an ETC must notify its customers of a relinquishment and afford adequate transfer time for those customers are not applicable.

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<sup>11</sup> Petition ¶¶ 12, 23.

<sup>12</sup> Petition ¶ 22.

<sup>13</sup> Petition ¶ 25.

## CONCLUSION

On consideration of Connect Everyone's Petition, we determine that consistent with the discussion in this Order, Connect Everyone has met the requirements for relinquishment set forth in federal law and the Commission's rules; **THEREFORE,**

### IT IS ORDERED:

1. That the October 24, 2022 Petition to Relinquish Eligible Telecommunications Carrier Designation filed by Connect Everyone, LLC is granted.
2. That the Secretary's Bureau serve a copy of this Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation & Enforcement, and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.
3. That the proceeding at Docket No. P-2021-3023915 shall be marked closed.

BY THE COMMISSION

  
Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022