

Wade C. Mann  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502-2798  
Office: 701.223.6585  
Direct: 701.224.7530  
wmann@crowleyfleck.com

March 30, 2021

*Via Electronic Mail & Hand Delivery*

Mr. Steve Kahl  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
[ndpsc@nd.gov](mailto:ndpsc@nd.gov)

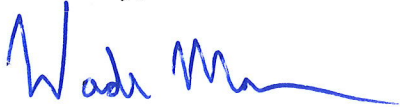
**In re: Cable One VoIP LLC d/b/a Sparklight  
Eligible Telecommunications Carrier Designation Application**

Dear Mr. Kahl:

On behalf of Cable One VoIP LLC d/b/a Sparklight, please find enclosed for filing an Application for Designation as an Eligible Telecommunications Carrier.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Wade C. Mann

WCM/lh  
Enc.

cc: Angela Collins (via email)

**BEFORE THE  
NORTH DAKOTA PUBLIC SERVICE COMMISSION**

In the Matter of the Application of )  
 )  
**CABLE ONE VOIP LLC d/b/a SPARKLIGHT** ) Case No. \_\_\_\_\_  
 )  
for Designation as an Eligible Telecommunications )  
Carrier in the State of North Dakota to Receive )  
Rural Digital Opportunity Fund (Auction 904) )  
Support for Voice and Broadband Services and to )  
Receive Federal Lifeline Support )  
\_\_\_\_\_ )

**APPLICATION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER TO RECEIVE RURAL DIGITAL  
OPPORTUNITY FUND (AUCTION 904) SUPPORT FOR VOICE AND BROADBAND  
SERVICES AND TO RECEIVE FEDERAL LIFELINE SUPPORT**

Cable One VoIP LLC d/b/a Sparklight (the “Company”) respectfully submits this Application for Designation as an Eligible Telecommunications Carrier (“Application”) to the North Dakota Public Service Commission (“Commission”) pursuant to Section 214(e)(2)<sup>1</sup> of the federal Communications Act of 1934, as amended (the “federal Act”), the rules and regulations of the Federal Communications Commission (“FCC”),<sup>2</sup> and North Dakota Administrative Code (“NDAC”) § 69-09-05-12.<sup>3</sup> The Company seeks eligible telecommunications carrier (“ETC”) designation from the Commission to receive (1) Rural Digital Opportunity Fund (“RDOF”) support for the provision of voice and broadband services in certain Census Block Groups and (2)

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.201, 54.202; *see also Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, 35 FCC Rcd 13888 (2020) (“Public Notice”); *Lifeline and Link Up Reform and Modernization; et al.*, 27 FCC Rcd 6656 (2012) (“Lifeline Reform Order”).

<sup>3</sup> The Commission has been granted the power to “[d]esignate telecommunications companies as eligible telecommunications carriers to receive universal service support under section 214 and 254 of the federal act” and “[d]esignate geographic service areas for the purpose of determining universal service obligations and support mechanisms under the federal act.” *See* N.D.C.C. §49-21.01.7(12), (13).

federal Lifeline-only support in other geographic areas of North Dakota (collectively, the “Designated Service Area” as set forth in **Exhibit 1**).<sup>4</sup>

The Company’s parent, Cable One, Inc. (“Cable One”), was a member of a consortium that was selected as a winning bidder in the FCC’s RDOF auction (Auction 904). The Company’s receipt of RDOF funding is conditioned upon the Company obtaining designation as an ETC in the RDOF portions of the Designated Service Area, and providing evidence of such designation to the FCC no later than June 7, 2021. In addition to seeking ETC designation for purposes of RDOF funding, entities also may seek Lifeline-only ETC designation in areas not eligible for high-cost support for the limited purpose of becoming eligible to receive Lifeline support (although recognizing the ETC will be obligated to provide Lifeline services throughout the entire designated area).<sup>5</sup>

As demonstrated herein, the Company meets all of the statutory and regulatory requirements for designation as an ETC in the state of North Dakota. Accordingly, the Company respectfully requests the Commission grant it ETC status in the Designated Service Area on an expedited basis prior to the June 7, 2021 FCC deadline. In support of this Application, the Company states:

### **BACKGROUND**

1. The Company is a Delaware limited liability company with a principal place of business located at 210 E. Earll Drive, Phoenix, Arizona 85012. The Company is registered with

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<sup>4</sup> Exhibit 1 provides a description of the area for which designation is sought as required by NDAC § 69-09-05-12(2)(a).

<sup>5</sup> *Public Notice* at n.72; *see also Wireline Competition Bureau Seeks Comment on Petitions for Designation as an Eligible Telecommunications Carrier for the Purpose of Becoming Eligible to Receive Connect America Fund Phase II Auction Support*, 33 FCC Rcd 9764 (2018) (“Recipients of high-cost support, including recipients of CAF support awarded pursuant to Auction 903, must offer the Lifeline discount on all qualifying services in areas where an ETC receives high cost support, deploy a network capable of delivering service that meets the Lifeline program’s minimum service standards, and commercially offer such service pursuant to its high-cost obligation.”).

the North Dakota Secretary of State to conduct business in the state as shown in **Exhibit 2**. The Company will operate in North Dakota under the DBA brand “Sparklight,” which also has been registered with the North Dakota Secretary of State as reflected in **Exhibit 2**. Attached as **Exhibit 3** is a current list of the Company’s officers, along with relevant biographical information. A copy of the Company’s articles of formation are set forth in **Exhibit 4**, and an organizational chart is set forth in **Exhibit 5**.

2. The Company currently offers interconnected Voice over Internet Protocol (“VoIP”) service in the state of Arizona. The Company also is registered with the Washington Utilities and Transportation Commission and the Iowa Utilities Board to provide interconnected VoIP service. The Company has never been denied ETC designation by any state commission or by the FCC. The Company has ETC applications pending in Arizona, Arkansas, Idaho, Iowa, Louisiana, Minnesota, Nebraska, New Mexico, Texas, and Washington.

3. The Company is a wholly owned subsidiary of Cable One, a publicly traded Delaware corporation (NYSE: CABO), and Cable One serves as the sole member of the Company. Cable One and its subsidiaries provide cable/video, Internet access, broadband, and voice services in 21 states, including North Dakota. Other subsidiaries of Cable One also hold ETC designation in the states of Illinois, Missouri, and Oklahoma.

4. In January 2020, the FCC adopted the framework and rules for Phase I of the RDOF auction (Auction 904) to connect millions of rural homes and small businesses to fixed high-speed broadband networks.<sup>6</sup> The FCC designed Phase I of the auction to award up to \$16 billion over 10 years to service providers that commit to offer voice and broadband services to fixed locations

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<sup>6</sup> *Rural Digital Opportunity Fund, et al.*, 35 FCC Rcd 686 (2020) (“*RDOF Order*”).

in eligible unserved high-cost census block groups. The framework for the RDOF builds upon the FCC's successful Connect America Fund Phase II (CAF-II) auction that was completed in 2018.<sup>7</sup>

5. The Company's parent, Cable One, participated in Auction 904 as a member of the Wisper-CABO 904 Consortium (the "Consortium"). On December 7, 2020, the FCC issued the *Public Notice* announcing the results of Auction 904, and the Consortium was the winning bidder in numerous states, including North Dakota.<sup>8</sup> Pursuant to the FCC's process for distributing winning bids among related entities,<sup>9</sup> the Consortium assigned the winning bids in the state of North Dakota to the Company to receive RDOF support. The Company also has been designated as the entity in the long-form application (FCC Form 683) filed with the FCC to fulfill the public interest obligations associated with receiving RDOF support for North Dakota.

6. In addition to announcing the winning bidders, the FCC's *Public Notice* also established several deadlines in connection with Auction 904. The FCC requires the Company to provide documentation to the FCC no later than 6:00pm Eastern on June 7, 2021 showing the Company has been designated as a high-cost ETC for the census block groups for which the Company will receive RDOF support.<sup>10</sup> An officer of the Company also is required to certify to the FCC that the ETC designation covers all of the census block groups for which the Company will receive RDOF support.

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<sup>7</sup> The Commission conducted ETC designation proceedings in connection with the CAF-II auction. *See, e.g.*, Case No. PU-18-373.

<sup>8</sup> *Public Notice*, Attachment A at 29-30.

<sup>9</sup> *Public Notice* ¶¶ 9-14.

<sup>10</sup> *Public Notice* ¶ 17.

7. Pleadings, orders, notices, and other correspondence filed in this matter should be served upon:

Wade C. Mann  
Casey A. Furey  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58501  
701-223-6585 (telephone)  
701-222-4853 (facsimile)  
wmann@crowleyfleck.com  
cfurey@crowleyfleck.com

and

Chérie R. Kiser  
Angela F. Collins  
Cahill Gordon & Reindel LLP  
1990 K Street, N.W., Suite 950  
Washington, D.C. 20006  
202-862-8900 (telephone)  
212-269-5420 (facsimile)  
ckiser@cahill.com  
acollins@cahill.com

The above-referenced individuals agree to receive all Commission notices and orders regarding this proceeding via electronic mail.

**INFORMATION REQUIRED UNDER COMMISSION  
AND FCC RULES FOR ETC DESIGNATION**

8. Section 214(e)(1) of the federal Act, the FCC's rules, and NDAC § 69-09-05-12 set forth certain requirements for ETC designation.<sup>11</sup> The Company meets each of these requirements as set forth below.<sup>12</sup>

9. FCC Rule 54.201(c); FCC Rule 54.202(b); NDAC § 69-09-05-12(5). An ETC applicant must demonstrate the ETC designation is consistent with the public interest,

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<sup>11</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.201, 54.202; NDAC § 69-09-05-12.

<sup>12</sup> NDAC § 69-09-05-12(2)(b).

convenience, and necessity, and in the case of an area served by a rural telephone company, demonstrate the public interest will be met by an additional designation.

10. Designation of the Company as an ETC will serve the public interest, convenience, and necessity. ETC designation will permit the Company to use RDOF support to offer voice and broadband services to unserved, high-cost areas of North Dakota, and to provide Lifeline services to low-income consumers. The Company will invest in facilities and equipment in the Designated Service Area. The planned investment and deployment in the Designated Service Area will further the goals of the Commission and the FCC by expanding the reach of digital connectivity to promote economic growth in rural areas and ensure quality communications services are available at “just, reasonable, and affordable rates.”<sup>13</sup> As the FCC has observed, “an important goal of the [federal] Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”<sup>14</sup>

11. FCC Rule 54.201(d). An ETC applicant must be a “common carrier” as defined by federal law.<sup>15</sup> The Company will provide broadband Internet access service and voice service in the Designated Service Area. The Company will provide voice service as interconnected VoIP service in North Dakota. As to customers and locations in which the Company is awarded RDOF support or Lifeline-only customers, the Company will provide its voice service on a common carrier basis.

12. FCC Rule 54.201(d)(1); FCC Rule 54.201(i). An ETC applicant must demonstrate that it is capable of providing and will continuously provide the supported services throughout the

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<sup>13</sup> 47 U.S.C. § 254(b)(1).

<sup>14</sup> *Federal-State Joint Board on Universal Service*, 16 FCC Rcd 48, ¶ 17 (2000).

<sup>15</sup> 47 U.S.C. § 153(11).

service area either by using its own facilities or a combination of its own facilities and the resale of another carrier's services. The Company certifies it will offer the services that are supported by the federal universal service support mechanisms in the Designated Service Area either using its own facilities or a combination of its own facilities and the resale of another carrier's services.

13. Two services are supported by the federal universal service support mechanisms: (1) voice telephony services; and (2) broadband Internet access services.<sup>16</sup> Eligible voice telephony services must provide voice grade access to the public switched telephone network ("PSTN") or its functional equivalent, minutes of use for local service provided at no additional charge, access to emergency 911 and enhanced 911 service in locations where implemented, and for qualifying low-income consumers, toll limitation service.<sup>17</sup> Eligible broadband Internet access services must 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, but excluding dial-up service.<sup>18</sup>

14. The Company certifies that it will offer voice and broadband services in the Designated Service Area that satisfy the FCC's requirements. The Company's voice offering will provide voice grade access to the PSTN, and will include unlimited local calling. In addition, the Company's voice offering will provide consumers with access to 911 and enhanced 911 to the extent local governments have implemented such services. The FCC eliminated the requirement to provide toll limitation services if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.<sup>19</sup> As explained below, the Company is not required

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<sup>16</sup> 47 C.F.R. § 54.101.

<sup>17</sup> 47 C.F.R. § 54.101(a)(1).

<sup>18</sup> 47 C.F.R. § 54.400(l).

<sup>19</sup> *Lifeline Reform Order* ¶ 49.



to provide toll limitation service in connection with its Lifeline service offering because the Company plans to offer unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area.

15. Similarly, the Company's broadband Internet access service offering will provide consumers with the capability to transmit data to and receive data from all or substantially all Internet endpoints. The Company's broadband Internet access service offering will meet the minimum service standards required by the FCC's rules,<sup>20</sup> and for the receipt of RDOF funding.<sup>21</sup>

16. The Company will use a combination of its own facilities and the facilities of other providers to offer the supported services in the Designated Service Area. Under FCC rules, facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services or when service is provided by any affiliate within the holding company structure.<sup>22</sup>

17. FCC Rule 54.201(d)(2); FCC Rule 54.405(b)-(d); NDAC § 69-09-05-12(6). An ETC applicant must demonstrate that it will advertise the availability of its offerings and service charges using media of general distribution. The Company will publicize the availability of its voice and broadband service offerings throughout the Designated Service Area using media of general distribution. The Company will use a combination of digital and traditional media, such as the Internet, outbound email, outdoor advertising, radio advertising, newspaper and magazine advertising, and direct marketing materials. The Company also will rely on the marketing practices and advertising expertise of Cable One to advertise the availability of its service offerings

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<sup>20</sup> 47 C.F.R. § 54.408.

<sup>21</sup> *RDOF Order* ¶¶ 31, 33.

<sup>22</sup> *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, 33 FCC Rcd 6696, nn. 23-24 (2018).

in the Designated Service Area.

18. In addition, the Company will publicize the availability of its Lifeline service offerings in the Designated Service Area in a manner reasonably designed to reach those likely to qualify for the service.<sup>23</sup> Using easily understood language, the Company will indicate on all materials describing its Lifeline service that: (1) it is a Lifeline service; (2) Lifeline is a government assistance program; (3) the service is non-transferable; (4) only eligible consumers may enroll in the program; and (5) the program is limited to one discount per household.<sup>24</sup> The Company also will disclose its name or its DBA name on all materials describing the Lifeline service.<sup>25</sup>

19. The Commission's rules require an ETC to provide a full description of available services in the ETC's official telephone directory. The Company is an interconnected VoIP service provider and does not have an official telephone directory in North Dakota. Therefore, the Company respectfully requests a waiver from this requirement pursuant to NDAC § 69-09-05-12(2)(c) and (d).<sup>26</sup>

20. FCC Rule 54.201(h); FCC Rule 54.202(a)(4). An ETC applicant seeking to provide Lifeline services must demonstrate it is financially and technically capable of providing Lifeline service in compliance with the FCC's rules. The FCC has stated that the "relevant considerations" for satisfying this requirement are whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to

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<sup>23</sup> 47 C.F.R. § 54.405(b).

<sup>24</sup> 47 C.F.R. § 54.405(c). For these purposes, the term "materials describing the service" includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms. *See id.*

<sup>25</sup> 47 C.F.R. § 54.405(d).

<sup>26</sup> *See, e.g.*, Case No. PU-19-127 (Nov. 21, 2019) (granting waiver of directory requirement).

rely exclusively on universal service fund disbursements to operate, whether the applicant receives funds from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in other states.<sup>27</sup>

21. The Company is financially and technically capable of offering Lifeline services in the Designated Service Area. The Company's parent and affiliates have been offering services in North Dakota and several other states for many years. Cable One also can provide the Company with additional financial and technical support as needed, and the Company will utilize the same management and day-to-day operational personnel.<sup>28</sup> The Company currently provides non-Lifeline voice services in Arizona; it will not rely exclusively on universal service fund disbursements to operate. Finally, the Company has not been subject to enforcement action or ETC revocation proceedings in any state.

22. FCC Rule 54.202(a)(1); NDAC § 69-09-05-12(3)(a), (b). An ETC applicant must certify that it will comply with the service requirements applicable to the support it receives, and submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. The Company certifies that it will comply with the service requirements applicable to RDOF support and Lifeline support in the Designated Service Area. The Company also certifies that it will: (a) provide service on a timely basis to requesting customers within the Designated Service Area; and (b) provide service within a reasonable period of time if the potential customer is within the Designated Service Area. The Company notes it must meet certain service milestones and buildout requirements in the

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<sup>27</sup> *Lifeline Reform Order* ¶ 388.

<sup>28</sup> The Company's financial reporting is consolidated with its parent Cable One. Financial information concerning Cable One can be found at: <https://ir.cableone.net/corporate-profile/default.aspx>.

Designated Service Area as a condition of receiving RDOF support.<sup>29</sup>

23. A five-year network improvement plan is no longer necessary for entities seeking Lifeline-only designation.<sup>30</sup> Further, the FCC has waived the requirement for a winning bidder in Auction 904 to file a five-year network improvement plan as part of the ETC designation process.<sup>31</sup> The Company will submit the required detailed information to the FCC regarding the Company's intended technology and system design for the provision of RDOF-funded services in the Designated Service Area, including network diagrams certified by a professional engineer.<sup>32</sup> As an RDOF recipient, the Company is subject to rigorous deployment milestones and penalties for non-compliance, which ensure RDOF-supported services are timely delivered to customers.

24. Consistent with the Company's winning RDOF bid for North Dakota, the Company expects to receive \$697.60 in high-cost support in North Dakota.<sup>33</sup> The Company will use the high-cost support it receives to construct, maintain, or upgrade its network to serve the 47 locations in the Designated Service Area for which it was the winning bidder.

25. FCC Rule 54.202(a)(2); NDAC § 69-09-05-12(3)(c). An ETC applicant must demonstrate that it can remain functional in emergency situations. The Company certifies it will have the ability to remain functional in emergency situations in the Designated Service Area. The Company has a reasonable amount of back-up power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities, and is capable of managing

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<sup>29</sup> *RDOF Order* ¶ 45. For purposes of meeting the FCC's service milestones, a RDOF recipient will be deemed to be commercially offering voice and/or broadband service to a location if it provides service to the location or could provide service to the location within 10 business days upon request. *See id.* ¶ 54.

<sup>30</sup> *Lifeline Reform Order* ¶ 386.

<sup>31</sup> *Public Notice* at n.71 (applying the same waivers previously applied to ETC designations for the CAF-II auction to ETC designations for Auction 904).

<sup>32</sup> *Public Notice* ¶¶ 16-17.

<sup>33</sup> *Public Notice*, Attachment A at 29.

traffic spikes resulting from emergency situations. Separate FCC rules also require the Company to implement certain back-up power requirements.<sup>34</sup> In addition, as a subsidiary of Cable One, the Company will be able to rely on Cable One’s disaster recovery contingency plans such as the use of diverse/alternate routing, electronics redundancy, redundant data centers, geographically separated operations, and environmental controls for data and switching centers to remain functional in an emergency situation.

26. FCC Rule 54.202(a)(3); NDAC § 69-09-05-12.3(d). An ETC applicant must certify that it will comply with all applicable service quality standards and consumer protection rules.<sup>35</sup> The Company certifies that it will comply with service quality standards and consumer protection rules applicable to its provision of service in the Designated Service Area.

27. FCC Rule 54.202(a)(5); FCC Rule 54.202(a)(6); NDAC § 69-09-05-12(3)(e). FCC rules require Lifeline applicants to provide information describing the terms and conditions of voice telephony service and broadband Internet access service plans to be offered to Lifeline subscribers. For Lifeline services, the FCC has determined that providers may satisfy the obligation to provide local usage via service offerings that bundle local and long distance minutes.<sup>36</sup> The Commission’s rules similarly require an ETC applicant to demonstrate it offers a local usage plan comparable to the one offered by the incumbent local exchange carrier (“ILEC”) in the proposed service area.

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<sup>34</sup> 47 C.F.R. § 9.20.

<sup>35</sup> The FCC has waived the requirement for a winning bidder in Auction 904 to demonstrate that it will satisfy consumer protection and service quality standards as part of the ETC designation process. *See Public Notice* at n.71 (applying the same waivers previously applied to ETC designations for the CAF-II auction to ETC designations for Auction 904).

<sup>36</sup> *Lifeline Reform Order* ¶ 49.

28. The Company will offer calling plans comparable to those offered by ILECs in the Designated Service Area. At this time, the Company plans to offer service plans that include high-speed Internet access service and unlimited voice calling within the United States for a fixed monthly price in the Designated Service Area. The Company also will offer standalone voice services as required by the FCC.<sup>37</sup> The Company is conducting market research in the Designated Service Area to determine what mix of services potential customers prefer. The Company has not yet determined the specific details of its service offerings and associated rates to be offered in the Designated Service Area. The Company will make services available based on customer demand in each market. Further, the Company's pricing will be reasonably comparable to the price of similar services in urban areas pursuant to FCC requirements.<sup>38</sup> By way of example, the FCC's 2021 urban average monthly rate is \$33.73, and the reasonable comparability benchmark for voice services, two standard deviations above the urban average, is \$54.75.<sup>39</sup> Accordingly, each ETC providing fixed voice service must certify to the FCC in July 2021 that the pricing of its basic residential voice services is no more than \$54.75. The FCC has adopted similar benchmarks for broadband Internet access service, which vary based on the speed and usage allowance.<sup>40</sup>

29. NDAC § 69-09-05-12(3)(f). The Commission's rules require an ETC applicant to acknowledge the Commission may require it to provide equal access to long distance carriers in the event no other ETC is providing equal access within the proposed designated service area. The Company acknowledges this requirement, but notes that its planned service offering will provide

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<sup>37</sup> RDOF Order ¶ 42.

<sup>38</sup> RDOF Order ¶ 42.

<sup>39</sup> Wireline Competition Bureau and Office of Economics and Analytics Announce Results of 2021 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowance for Eligible Telecommunications Carriers, 35 FCC Rcd 13667 (2020) ("Comparability PN").

<sup>40</sup> Comparability PN at 3.

unlimited voice calling within the United States for a fixed monthly price, and thus there is no need for a consumer to have access to a separate long distance carrier.

30. FCC Rule 54.405(a). An ETC providing Lifeline services must make Lifeline service available to qualifying low-income consumers. The Company certifies that its Lifeline service offering will conform to the definition of “Lifeline” in the FCC’s rules.<sup>41</sup>

31. FCC Rule 54.405(e). An ETC providing Lifeline services must implement certain de-enrollment procedures for Lifeline customers. The Company certifies it will comply with the FCC’s de-enrollment procedures and will have general de-enrollment procedures in place for Lifeline services. In accordance with FCC requirements, the Company will de-enroll Lifeline customers for no longer qualifying for Lifeline service, for duplicative support, for non-usage, for failure to re-certify, and when requested by the Lifeline customer.

32. FCC Rule 54.409; FCC Rule 54.410. The Company certifies that it will verify the eligibility of its Lifeline subscriber base in accordance with FCC rules. The Company also will establish processes for ensuring Lifeline services are provided only to eligible customers, including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping.

33. NDAC 69-09-05-12.1. The Company certifies it will comply with the annual reporting requirements applicable to ETCs under the Commission’s rules to the extent applicable to the supported services offered by the Company in the Designated Service Area.

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<sup>41</sup> 47 C.F.R. § 54.401(a).

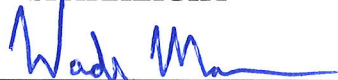
**CONCLUSION**

WHEREFORE, for the foregoing reasons, the Company respectfully requests that the Commission designate it as an ETC for the provision of voice and broadband services in the Designated Service Area on expedited basis to occur prior to June 7, 2021.

Dated: March 30, 2021

Respectfully submitted,

**CABLE ONE VOIP LLC D/B/A  
SPARKLIGHT**



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Wade C. Mann  
Casey A. Furey  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58501  
701-223-6585 (telephone)  
701-222-4853 (facsimile)  
wmann@crowleyfleck.com  
cfurey@crowleyfleck.com

Chérie R. Kiser  
Angela F. Collins  
Cahill Gordon & Reindel LLP  
1990 K Street, N.W., Suite 950  
Washington, D.C. 20006  
202-862-8900 (telephone)  
212-269-5420 (facsimile)  
ckiser@cahill.com  
acollins@cahill.com

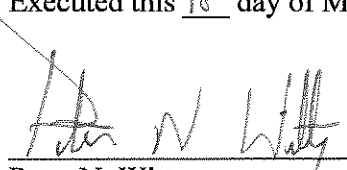
Its Attorneys



**VERIFICATION**

I, Peter N. Witty, hereby state under penalty of perjury under the laws of the State of North Dakota that I am the Vice President & Secretary of Cable One VoIP LLC d/b/a Sparklight (the "Company"); that I am authorized to make this Verification on behalf of the Company; that the foregoing Application was prepared under my direction and supervision; and that the contents of the foregoing Application are true and correct to the best of my knowledge, information, and belief.

Executed this 18<sup>th</sup> day of March 2021 in Phoenix, Arizona.

  
\_\_\_\_\_  
Peter N. Witty  
Vice President & Secretary  
Cable One VoIP LLC

## **EXHIBITS**

- Exhibit 1      Designated Service Area**
- Exhibit 2      North Dakota Secretary of State Documentation**
- Exhibit 3      Officers**
- Exhibit 4      Articles of Formation**
- Exhibit 5      Organizational Chart**

**EXHIBIT 1**

**Designated Service Area**

**RDOF Service Areas**

<b><u>County</u></b>	<b><u>Census Block Group</u></b>
Cass	380170002022
Cass	380170005011
Cass	380170006003
Cass	380170009012
Cass	380170101091
Cass	380170101092
Cass	380170102013
Cass	380170102033
Cass	380170103034
Cass	380170103071

**Additional Lifeline-Only Service Areas**

(the following franchise areas may include the census block groups covered by the RDOF service area listed above, but Lifeline-only service will be offered only in those areas not covered by the RDOF service area)

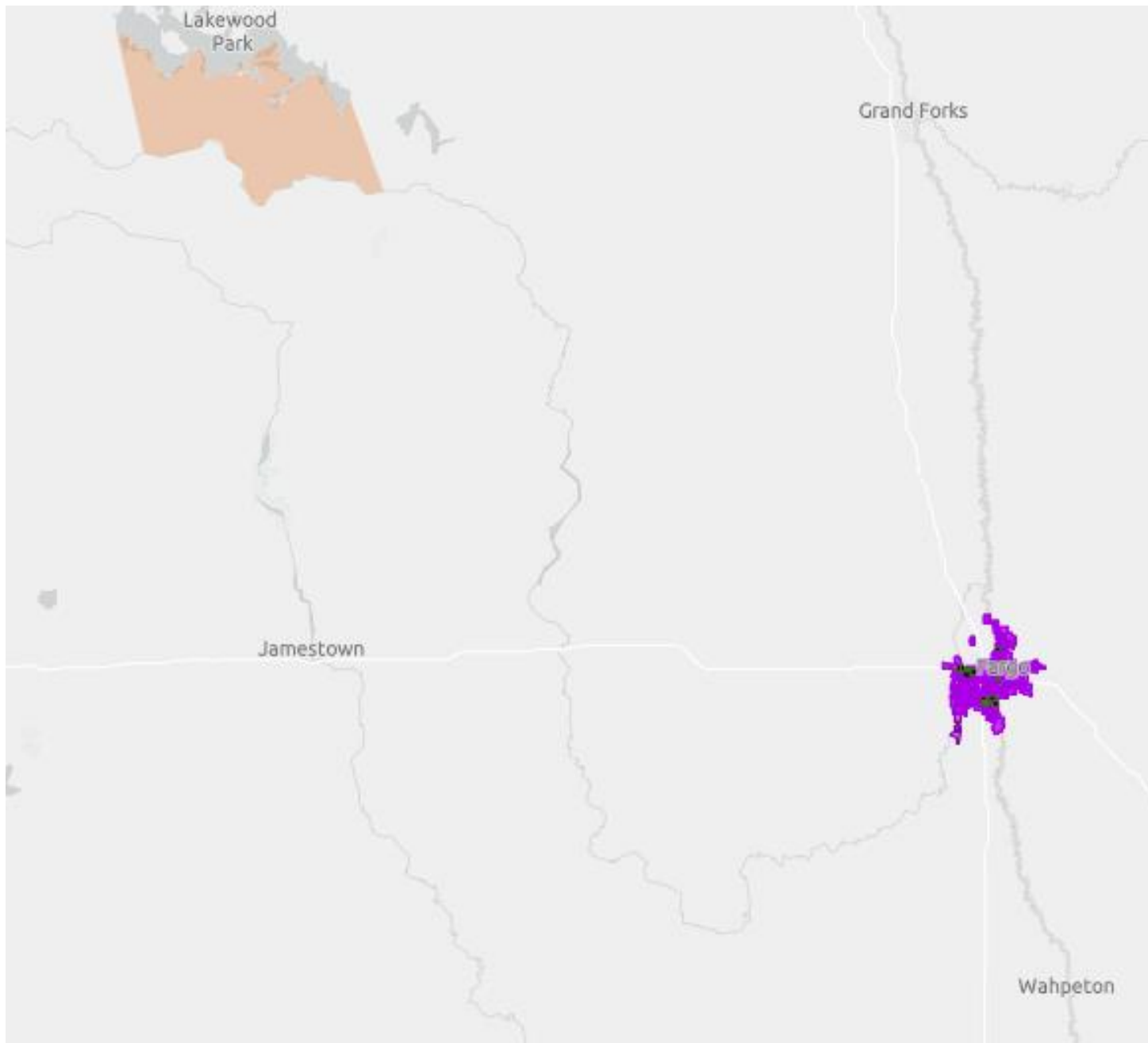
<b><u>Franchise Area</u></b>	<b><u>County</u></b>
Reed	Cass
Briarwood	Cass
Fargo	Cass
Prairie Rose	Cass
Horace	Cass
Frontier	Cass
Cass	Cass
Reile's Acres	Cass

**Maps of Designated Service Area**

(includes both RDOF census block groups and Lifeline-only areas)

Purple shows the current franchise areas served by Cable One, Inc. in North Dakota, which will be the geographic areas in which the Company will offer Lifeline-only service.

Green shows the boundaries of the census block groups awarded in the RDOF auction (Auction 904).



**EXHIBIT 2**

**North Dakota Secretary of State Documentation**

# *State of North Dakota*

## SECRETARY OF STATE



### **Certificate of Authority of Cable One VoIP LLC**

**SOS Control ID#: 0005407910**

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that an application by

Cable One VoIP LLC

for a Certificate of Authority to transact business in this state, duly signed and verified as required by North Dakota statutes governing a foreign limited liability company, has been received in this office and is found to conform to law.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Authority to

Cable One VoIP LLC

to transact business in this state under the name of

Cable One VoIP LLC

Filed date: January 21, 2021

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

# *State of North Dakota*

## SECRETARY OF STATE



### Certificate of Registration of Sparklight

SOS Control ID#: 0005413739

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that a Trade Name Registration for

Sparklight

duly signed pursuant to the provisions of the North Dakota statutes governing a trade name, has been received in this office and is found to conform to law.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Registration of

Sparklight

which is owned by Cable One VoIP LLC.

Filed date: January 27, 2021

Expiration date: January 27, 2026

A handwritten signature in black ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger  
Secretary of State

### **EXHIBIT 3**

#### **Officers of Cable One VoIP LLC d/b/a Sparklight**

As of January 1, 2021, the following are the officers of Cable One VoIP LLC d/b/a Sparklight:

##### **Julia M. Laulis, President & Chief Executive Officer**

Laulis joined Cable One in 1999 as Director of Marketing-NW Division. In 2001, she was named Vice President of Operations for the SW Division. In 2004, she became responsible for starting Cable One's Phoenix Customer Care Center. Laulis was named Chief Operations Officer in 2008, responsible for the company's three operation divisions and two call centers. In 2012, Laulis was named Chief Operating Officer, adding sales, marketing, and technology to her responsibilities. In 2015, Laulis was promoted to President and Chief Operating Officer of Cable One. In 2017, she was named President and Chief Executive Officer and in 2018 she was named Chair of the Board. Prior to joining Cable One, Laulis was with Jones Communications in the Washington, DC area and Denver, where she served in various marketing management positions. Laulis began her 35-year career in the cable industry with Hauser Communications. Laulis graduated from Indiana University in Bloomington with a bachelor's degree in Telecommunications. She attended the Woman in Cable Television Betsy Magness Leadership Institute in 1998/1999 and graduated from the Program for Management Development at the Harvard Business School in 2002. Cable FAX Magazine has named Laulis one of the Most Powerful Women in Cable for the past 10 years running. Laulis currently serves on the boards of The AES Corporation, CableLabs, The Cable Center, and C-SPAN and is a trustee of the C-SPAN Education Foundation.

##### **Michael E. Bowker, Vice President**

Mike Bowker is Chief Operating Officer for Cable One. He is responsible for overseeing Cable One's daily operations, technology, and residential and business channels. Bowker joined Cable One in 1999 as Advertising Regional Sales Manager. He is a member of the team that successfully launched the commercial sales division and the residential inbound sales call center. Bowker has been a Vice President of Cable One since 2005. He was named Vice President of Sales in 2012 and was promoted to Senior Vice President, Chief Sales and Marketing Officer in 2014. Prior to joining Cable One, Bowker was with AT&T Media Services and TCI Cable, where he served in various sales management positions. A native of Boise, Idaho, Bowker holds a bachelor's degree in Communication from Boise State University and is a graduate of the Stanford Executive Program at the Graduate School of Business at Stanford University. Bowker currently serves as Vice Chairman of ACA — America's Communications Association.



**Steven S. Cochran, Vice President**

Steven Cochran is Senior Vice President and Chief Financial Officer at Cable One. He is responsible for the areas of accounting, reporting, finance, and investor relations. A veteran of the cable industry, Cochran spent 15 years at Wide Open West (WOW), a Denver-based cable operator. During his tenure at WOW, Cochran held positions of increasing responsibility, including Chief Financial Officer, Chief Operating Officer, and President and Chief Executive Officer. Prior to WOW, Cochran was Senior Vice President and Chief Financial Officer at Millennium Digital Media. Cochran holds a master's degree in accounting science and a bachelor's degree in economics from the University of Illinois—Urbana Champaign

**Jarrold L. Head, Vice President**

Jarrold Head is Vice President of Engineering and Construction for Cable One. He is responsible for outside plant engineering, design and construction. Before joining Cable One, Head served as Vice President of Engineering & Technical Operations for Fidelity Communications and its subsidiaries. Prior to that position, he served as Engineering Director for Fidelity, overseeing Engineering and Network Operation teams to design, implement and support Fidelity's advanced technology services. Head holds a bachelor's degree in Electrical Engineering from Missouri University of Science and Technology.

**Kenneth E. Johnson, Vice President**

Ken Johnson is Senior Vice President of Technology Services at Cable One. He is responsible for the strategic evolution of technology roadmaps related to products, as well as Information Technology, and Network & Engineering. Before joining Cable One, Johnson served as Chief Operating Officer and Chief Technology Officer for NewWave Communications. Prior to NewWave, Johnson was Chief Technology Officer for SureWest Communications and Everest Connections. Originally from Lenexa, Kansas, Johnson holds a bachelor's degree in Computer and Information Sciences from Friends University. Johnson currently serves on the board of the National Cable Television Cooperative.

**Eric M. Lardy, Vice President & Assistant Secretary**

Eric Lardy is Senior Vice President of Operations and Integration for Cable One. He is responsible for overseeing the company's day-to-day operations, acquisition integration and long-term strategic operating plans. A more than 20-year veteran in the cable industry, Lardy joined Cable One as a Pay-Per-View Manager in the Fargo, North Dakota cable system. He was later promoted to Internet Business Manager, launching dial-up and high-speed broadband services. Lardy relocated several times and held a variety of positions in Marketing, Operations, and system General Management before being promoted to Director of New Products and Service Projects in 2012. In 2014, he was named Vice President of Strategy and Finance. In 2017, he was promoted to Senior Vice President, adding oversight of human resources and business intelligence to his responsibilities. Lardy holds bachelor's degrees in Marketing and International Business from Minnesota State University and an MBA from Arizona State University.

**Raymond L. Storck, Jr., Vice President & Treasurer**

Ray Storck is Vice President of Finance and Treasurer for Cable One. He is responsible for all of the company's accounting functions. Before joining Cable One, Storck served as Controller at Kona Grill. Prior to that, Storck was Vice President/Controller and then Chief Financial Officer for MicroAge. Following MicroAge, Storck spent 4 years at PetSmart where he served as Vice President/Controller and then Vice President of Finance and Chief Accounting Officer. A native of Iowa, Storck holds a bachelor's degree in Accounting from the University of Northern Iowa.

**Peter N. Witty, Vice President & Secretary**

Peter N. Witty is Senior Vice President, General Counsel and Secretary for Cable One. He is responsible for overseeing the company's legal, regulatory and compliance functions. Witty has more than 20 years of legal experience. Before joining Cable One, he served as General Counsel and Secretary for Gas Technology Institute (GTI), a leading energy research, development and training organization. Prior to GTI, Witty spent 10 years with Abbott Laboratories, serving in various positions, including as Senior Counsel and Division Counsel. Witty also previously practiced law as an associate at Latham & Watkins LLP and Ross & Hardies (now McGuireWoods LLP). Witty holds a Juris Doctor from Notre Dame Law School and a bachelor's degree in aerospace engineering from the University of Notre Dame. He is also a graduate of the Stanford Executive Program at the Graduate School of Business at Stanford University. Prior to attending law school, Witty was an officer and helicopter pilot in the 101st Airborne Division (Air Assault), where he served during Operations Desert Shield/Desert Storm.

Additional information on the officers and directors of the Company's parent, Cable One, Inc., can be found at: <https://ir.cableone.net/corporate-information/officers-directors/default.aspx>.

**EXHIBIT 4**

**Articles of Formation**

# Delaware

PAGE 1

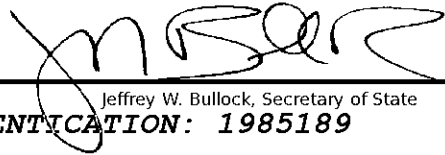
*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "CABLE ONE VOIP LLC", FILED IN THIS OFFICE ON THE TWENTY-THIRD DAY OF DECEMBER, A.D. 2014, AT 11:16 O'CLOCK A.M.

5663183 8100

141578368



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 1985189

DATE: 12-23-14

CERTIFICATE OF FORMATION

OF

Cable One VoIP LLC

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:25 AM 12/23/2014  
FILED 11:16 AM 12/23/2014  
SRV 141578368 - 5663183 FILE

This Certificate of Formation is being executed as of December 23, 2014 for the purpose of forming a Limited Liability Company under the Delaware Limited Liability Company Act (6 Del C. § 18-101, et seq.).

The undersigned, being duly authorized to execute and file this Certificate of Formation, does hereby certify as follows:

FIRST: The name of the limited liability company formed hereby is Cable One VoIP LLC (the "Company").

SECOND: The address of the registered office of the Company in the State of Delaware is Corporation Trust Center, 1209 Orange Street in the City of Wilmington. The name of its registered agent at such address is The Corporation Trust Company. The zip code is 19801.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation as of the date first above written.



Name: ALAN H. SILVERMAN  
Title: VICE PRESIDENT

**EXHIBIT 5**

**Organizational Chart**

