

March 29, 2022

Via Electronic Mail & U.S. Mail

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

**In re: Cable One VoIP LLC d/b/a Sparklight
Eligible Telecommunications Carrier Designation
Case No. PU-21-123
Our File No. 019916-000001**

Dear Mr. Kahl:

On behalf of Cable One VoIP LLC d/b/a Sparklight, please find enclosed for filing a Request to Relinquish ETC Designation for RDOF and Lifeline Purposes.

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)

20 PU-21-123 Filed 03/29/2022 Pages: 6
Request to Relinquish ETC Designation for RDOF and Lifeline Purposes
Cable One VoIP LLC
Wade Mann, Crowley Fleck, PLLP

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Cable One VoIP LLC) Case No. PU-21-123
Designated Eligible Carrier)

REQUEST TO RELINQUISH ETC DESIGNATION
FOR RDOF AND LIFELINE PURPOSES

In accordance with 47 U.S.C. § 214(e)(4) and Federal Communications Commission (“FCC”) Rule 54.205, Cable One VoIP LLC d/b/a Sparklight (the “Company”) respectfully submits this request to the North Dakota Public Service Commission (the “Commission”) to relinquish the Company’s eligible telecommunications carrier (“ETC”) designation in the state of North Dakota. In support of this request, the Company states:

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 a wholly owned subsidiary of Cable One, Inc. (“Cable One”), a publicly traded Delaware corporation (NYSE: CABO). Cable One and its subsidiaries provide cable/video, Internet access, broadband, and voice services in 24 states, including North Dakota.

2. In January 2020, the FCC adopted the framework and rules for Phase I of the Rural Digital Opportunity Fund (“RDOF”) auction (Auction 904) to connect millions of rural homes and small businesses to fixed high-speed broadband networks.¹ 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 announced the results of Auction 904, and the Consortium was a winning bidder in numerous states, including North Dakota. Pursuant to the

¹ *Rural Digital Opportunity Fund, et al.*, 35 FCC Rcd 686 (2020) (“RDOF Order”).

FCC's process for distributing winning bids among related entities, the Consortium assigned the Company as the entity to receive RDOF support for certain winning bids in the state of North Dakota.

3. The FCC required the Company (and other RDOF winning bidders) to obtain high-cost ETC designation in a state as a condition for receiving RDOF funding in that state. On May 28, 2021, in Case No. PU-21-123, the Commission designated the Company as an ETC in certain census block groups in which the Company was deemed the winning bidder in Auction 904 as well as additional geographic areas in which the Company requested to be designated as an ETC for the provision of federal Lifeline services.

4. On July 26, 2021, the FCC provided the Company (and numerous other RDOF winning bidders) with a list of census blocks covered by the Company's winning RDOF bids in which "concerns" had been raised that those areas "are already served by one or more service providers that offer 25/3 Mbps broadband service or otherwise raise significant concerns about wasteful spending, such as parking lots and international airports."² The FCC Letter asked the Company and other RDOF winning bidders to review their bids based on "significant concerns about the best use of [the public's] limited universal service funds."³

5. In response to the FCC Letter, on August 16, 2021, the Company informed the FCC that it would no longer pursue RDOF support for certain of the census blocks identified in the FCC Letter based on the Company's determination that those census blocks either contained no serviceable locations or already received broadband service at 25/3 Mbps or better. The Company

² Letter from Michael Janson, FCC, to Cable One VoIP LLC (July 26, 2021) ("FCC Letter"), <https://us-fcc.app.box.com/s/lq4iqpjt8ukal4wve6hbrkbs5473kpcw/file/838638500240>.

³ FCC Letter at n.4.

also indicated it would further review its other RDOF winning bids to determine if the public interest would be served by relinquishing RDOF support for any of the Company's other winning bids.

6. On August 24, 2021, the Company informed the FCC that it would no longer seek RDOF support in several additional census blocks, including those for which it received ETC designation in North Dakota.⁴ As a result, the Company will no longer pursue any RDOF funding for the state of North Dakota. The Company expects the FCC will issue a formal public notice announcing the Company has defaulted on those census blocks.

7. Accordingly, the Company files the instant request to relinquish its ETC designation for both RDOF and Lifeline purposes in all geographic areas of North Dakota in which the Company has been designated as an ETC. The Company no longer seeks to hold any type of ETC designation in the state of North Dakota.

8. Federal law provides an objective standard for ETC relinquishment: a state commission "shall permit" an ETC to relinquish its ETC designation "in any area" so long as that area is served by more than one ETC.⁵ FCC Rule 54.205 requires an ETC to "give advance notice to the state commission of such relinquishment."⁶ The Company meets the established standard for ETC relinquishment.

⁴ AU Docket No. 20-34, *et al.*, Petition for Waiver (filed Aug. 24, 2021), [https://ecfsapi.fcc.gov/file/108240356730305/Cable%20One%20VoIP%20RDOF%20Petition%20for%20Waiver%20\(8-24-21\).pdf](https://ecfsapi.fcc.gov/file/108240356730305/Cable%20One%20VoIP%20RDOF%20Petition%20for%20Waiver%20(8-24-21).pdf).

⁵ 47 U.S.C. § 214(e)(4); 47 C.F.R. § 54.205.

⁶ 47 C.F.R. § 54.205(a).

9. Grant of the Company's request for relinquishment will serve the public interest as the Company will no longer receive RDOF funding in North Dakota, which was the purpose for which the Company originally sought ETC designation.

10. To the Company's knowledge, there are other ETCs operating in the geographic areas in which the Company has been designated as an ETC, including wireless ETCs and incumbent local exchange carriers ("ILECs").

11. No consumer will be impacted by the Company's request to relinquish its ETC designation in North Dakota. The Company does not serve any customers pursuant to its ETC designation. Thus, there is no customer notice required in connection with the relinquishment.

12. Finally, there will be no discontinuance of service associated with the relinquishment of the Company's ETC designation given the Company does not currently serve any customers in North Dakota.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Company respectfully requests that the Commission grant this request and issue an order confirming the Company's relinquishment of its ETC designation in all geographic areas of North Dakota.

Dated: March 29, 2022

Respectfully submitted,

**CABLE ONE VOIP LLC
d/b/a SPARKLIGHT**

/s/ Wade C. Mann

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