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Attorney for the Commission Staff

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

|                                         |                      |
|-----------------------------------------|----------------------|
| IN THE MATTER OF CABLE ONE VOIP LLC'S ) |                      |
| APPLICATION TO PARTIALLY RELINQUISH )   | CASE NO. CAB-T-22-01 |
| DESIGNATION AS AN ELIGIBLE )            |                      |
| TELECOMMUNICATIONS CARRIER )            |                      |
| )                                       | COMMENTS OF THE      |
| )                                       | COMMISSION STAFF     |
| )                                       |                      |

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**STAFF** of the Idaho Public Utilities Commission (“Staff”), by and through its Attorney of record, Riley Newton, Deputy Attorney General, submits the following comments.

### BACKGROUND

On August 1, 2022, Cable One VoIP LLC d/b/a Sparklight (“Company”)<sup>1</sup> applied to the Commission to relinquish portions of the Company’s Eligible Telecommunications Carrier (“ETC”) designation. The Company sought “an order confirming its partial relinquishment of its [Rural Digital Opportunity Fund (“RDOF”)] ETC designation and relinquishment of its Lifeline ETC designation in non-RDOF areas.” Application at 6. On January 13, 2023, the Company filed an Amended Application correcting the caption of its Application (“Amended Application”).

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<sup>1</sup> The Company represents that it is a wholly owned subsidiary of Cable One, Inc., a publicly traded Delaware corporation which, along with its wholly owned subsidiaries, provides broadband, Internet access, cable/video, and voice services in 23 states, including Idaho. Amended Application at 2.

The Company represents that its parent company, Cable One, Inc., was part of a consortium that was a winning bidder in the RDOF Auction 904 to provide voice and broadband services in select census blocks in numerous states, including Idaho. Amended Application at 2. On April 19, 2021, the Idaho Public Utilities Commission (“Commission”), in Case No. CAB-T-21-01, “designated the Company as an ETC in 57 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.” *Id.*

The Company states that on July 26, 2021, the Federal Communications Commission (“FCC”) sent a letter to the Company (and other winning RDOF bidders) requesting it to review its service areas in numerous states, including in Idaho, and assess whether these areas were already being served by “one or more service providers . . . .” *Id.* at 2-3. The request for the review was based on “significant concerns about the best use of [the public’s] limited universal service funds”. *Id.* at 3.

The Company asserts that, on August 24, 2021, as a result of the review and in response to the FCC letter, it substantially reduced its RDOF service territory and determined that “it no longer has a need for Lifeline-only ETC authority in non-RDOF areas.” *Id.* at 3. The “Company will only receive RDOF funding in Idaho for 25 of the 57 census block groups for which it was originally designated.” *Id.*

As such, the Company will retain its RDOF ETC designation for 25 census block groups and requests a Commission order “confirming the Company’s partial relinquishment of its RDOF ETC designation and relinquishment of its Lifeline ETC designation in non-RDOF areas.” *Id.* at 6.

The Company states that it does not currently serve any customers in Idaho and that it complied with all applicable state and federal laws in seeking to partially relinquish its RDOF ETC and Lifeline ETC designation in non-RDOF areas.

## **THE APPLICATION**

The Company is a Delaware limited liability company with a principal place of business located at 210 E. Earl Drive, Phoenix, Arizona 85012. The Company is authorized to do

business in Idaho as a foreign limited liability Company<sup>2</sup>. It was granted ETC status in Case No. CAB-T-21-01, and in Order No.35008, for the census blocks where the Company was to receive RDOF support. Additionally, the Company was designated as a Lifeline-only ETC for the service area in which the Company was not to receive high-cost support.

The Company states that it meets the established standards for ETC relinquishment under the Federal Telecommunications Act of 1996 (47 U.S.C. § 214(e)(4) and *Idaho Code* § 62-610D(4). Specifically, the Company asserts the following: (i) as shown in Exhibit 1, there are numerous other ETC designated providers operating in the geographic areas in which the Company seeking relinquishment; (ii) since the Company does not have customers in Idaho, no customers will be impacted because of the Company's request for partial relinquishment of its ETC designation in Idaho, and thus, no customer notice is required regarding the partial relinquishment; (iii) there is not going to be the discontinuance of service because the Company does not currently serve any customers in Idaho.

## STAFF REVIEW

Staff reviewed the Company's Amended Application and examined the Company's fulfillment of requirements under the federal Telecommunications Act of 1996, the FCC's regulations, and the RDOF requirements. Staff concluded that the Company has fulfilled the statutory requirements for partial relinquishment of its ETC designation.

The Commission "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." *Idaho Code* § 62-610D(4). The Commission is also required to ensure that customers of the withdrawing company will continue to be served by another ETC provider. *Id.* The Company states it satisfies the statutory requirements because numerous other ETC providers are currently serving customers in the designated area, and it currently has no customers that require Commission assurance of continued service. The Company requests that the Commission issue an order acknowledging that it properly partially relinquished and is partially relieved of its designation as an ETC.

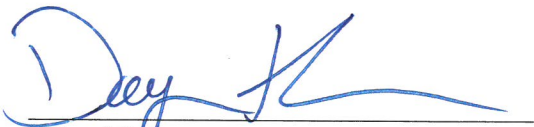
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<sup>2</sup> Registration Certificate No. 4121333 as verified by Staff.

## STAFF RECOMMENDATION

Staff examined the Company's Amended Application and recommends the Commission issue an order finding that the Company satisfied the statutory conditions for partial relinquishment of its ETC designation in Idaho.

**Respectfully** submitted this 8th day of February 2023.

*For:*   
Riley Newton  
Deputy Attorney General

Technical Staff: Johan Kalala-Kasanda

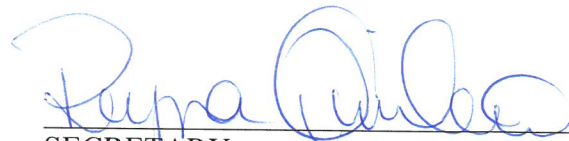
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 8<sup>th</sup> DAY OF FEBRUARY 2023, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. CAB-T-22-01, BY E-MAILING A COPY THEREOF TO THE FOLLOWING:

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