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*Attorneys for Commnet Wireless, LLC*

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IDAHO PUBLIC  
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

APPLICATION OF COMMNET WIRELESS,  
LLC FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN  
THE STATE OF IDAHO FOR PURPOSES OF  
RECEIVING RURAL DIGITAL  
OPPORTUNITY FUND SUPPORT

Case No. CWL-T-21-01

COMMNET WIRELESS, LLC'S  
APPLICATION FOR ETC  
DESIGNATION

Commnet Wireless, LLC ("Commnet" or the "Company"), by its attorneys, and pursuant to Section 214(e)(2) of the federal Communications Act of 1934, as amended (the "Federal Act"), the rules and regulations of the Federal Communications Commission ("FCC"), Idaho statutes, and the requirements set forth in Idaho Public Utilities Commission (the "Commission") Order No. 29841, hereby submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC"). The Company seeks ETC designation for purposes of receiving Rural Digital Opportunity Fund ("RDOF") Phase I support for the provision of voice and broadband services in the Census Block Group identified in Exhibit 1 ("Designated Service Area").

As a winning bidder in the FCC's RDOF auction (Auction 904), Commnet's receipt of RDOF funding is conditioned upon the Company obtaining designation as an ETC and submitting evidence of such designation to the FCC no later than June 7, 2021. As demonstrated herein, Commnet meets all the statutory and regulatory requirements for designation as an ETC in the

State of Idaho. Accordingly, the Commnet 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, Commnet states as follows:

#### I. FACTUAL BACKGROUND

1. Commnet is a wholly-owned subsidiary of ATN International, Inc., a publicly traded corporation headquartered in Beverly, Massachusetts. Commnet is a Delaware limited liability company with a principal place of business located at 400 Northridge Road, Suite 1100, Atlanta, Georgia 30350. The Company is registered with the Idaho Secretary of State to conduct business in the state as shown in Exhibit 2.

2. Commnet provides voice and broadband service in rural areas; principally in areas with a population of 2500 or less. Commnet operates facilities-based networks in 11 states. Commnet provides mobile voice and broadband services as well as fixed broadband services over those networks on both a wholesale and retail basis.

3. Commnet is presently designated and operates as an ETC in certain areas of Arizona, Colorado, Montana, New Mexico, Nevada, Utah and Wyoming. Commnet has experience participating in federal universal service programs and is/has been a recipient of frozen high-cost support, mobility fund support, tribal mobility fund support and CAF II support.

4. Notices, orders and other communications concerning this Application should be addressed to:

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Executive Director Regulatory Affairs  
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5. On December 7, 2020, the FCC issued the Public Notice announcing the results of Auction 904 and Commnet was the winning bidder for the Idaho Census Block Group identified in Exhibit 1. Commnet was also the winning bidder in several other states in addition to Idaho.

6. In addition to announcing the winning bidders, the FCC's Public Notice established several deadlines for Auction 904 winners. Specifically, the FCC requires Commnet to provide documentation to the FCC no later than 6:00 p.m. EST on June 7, 2021, showing the Company has been designated as a high-cost ETC for purposes of receiving RDOF support.

## II. APPLICABLE STANDARD FOR ETC DESIGNATION

7. Section 214(e)(1) of the Federal Act, the FCC's rules, Idaho Code § 62-610D, and the Commission's Order No. 29841 set forth certain requirements for ETC designation in Idaho. As explained below, Commnet satisfies each of these requirements for designation as an ETC in Idaho.

## III. ANALYSIS

### A. Designation of Commnet as an ETC is consistent with the public interest, convenience, and necessity.

8. Pursuant to 47 C.F.R. §§ 54.201(c) and 54.202(b), and Commission Order No. 29841 (Appendix § A.4), Commnet is required to demonstrate that ETC designation is consistent with the public interest, convenience, and necessity. In evaluating the public interest, the Commission generally has considered two factors: (1) whether the entity contributes to state

assistance programs; and (2) whether the designation is sought for only part of a rural telephone company's study area, thus leaving some (perhaps less profitable) customers without service (i.e., cream skimming).

9. Designation of Commnet as an ETC will serve the public interest, convenience, and necessity. The ETC designation will permit Commnet to receive RDOF support to offer voice and broadband services in the Designated Service Area, which consists of unserved and underserved high-cost areas of Idaho. Commnet will construct and operate its own network facilities to provide the required services. Commnet's 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."

10. Commnet commits to participate in applicable Idaho assistance programs upon approval and commencement of its business operations in Idaho. The Company's participation in such Idaho programs also advances the public interest.

11. Finally, Commnet is not engaged in "cream skimming." The FCC has made the determination that eligible broadband service is not currently available in the areas where ETC designation is being requested. Commnet is requesting ETC designation for the entire census block group where it was awarded RDOF funding.

**B. Commnet is a common carrier and capable of providing universal services.**

12. Pursuant to 47 U.S.C. § 214(e)(1) and Commission Order No. 29841 (Appendix § A.1), Commnet is required to be a "common carrier" as defined by federal law. Commnet is a provider licensed by the FCC and, therefore, regulated as, and subject to the requirements applicable to, a common carrier. Commnet therefore meets this requirement for ETC designation.

13. Pursuant to 47 U.S.C. 54.201(d) and (i), and Commission Order No. 29841 (Appendix § A.2), Commnet is required to demonstrate that it is capable of providing the supported services throughout the service area either by using its own facilities or a combination of its own facilities and the resale of another carrier's services. Under current FCC rules, the two services that are supported by the federal universal service support mechanisms are: (1) voice telephony services; and (2) broadband Internet access services. The Company certifies it will offer voice and broadband services in the Designated Service Area that comply with the FCC's requirements utilizing its own facilities or a combination of its own facilities and the resale of another carrier's services. Commnet's voice service offering will provide voice grade access to the public switched telephone network, 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. Additionally, Commnet certifies that it will provide toll limitation service to eligible low-income customers. Finally, Commnet certifies that it will provide a broadband service offering with speeds of 100 Mbps upload and 20 Mbps download in accordance with its RDOF obligations.

**C. Commnet will advertise using media of general distribution.**

14. Pursuant to 47 C.F.R. §§ 54.201(d)(2) and 54.405 (b)-(d), and Commission Order No. 29841 (Appendix § A.3), Commnet is required to demonstrate that it will advertise the availability of its offering and the charges therefore using media of general distribution. Commnet will advertise the availability of its services that are supported by federal universal service support mechanisms and the charges for such services using media of general distribution. Commnet will utilize a combination of the following forms of media to advertise its services: newspaper, radio, bill inserts, contacts with social service agencies and its website. Commnet will also publicize the availability of Lifeline discounts in a manner reasonably designed to reach those likely to qualify

for the service. Commnet will indicate on material describing the service, using easily understood language, that Lifeline is a government assistance program, the service is nontransferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. In the event a subscriber no longer qualifies for the program, Commnet will de-enroll the subscriber from the program appropriately as defined within 47 C.F.R. 54.405(e).

**D. No tribal notification is necessary.**

15. Pursuant to Commission Order No. 29841 (Appendix § A.5), an ETC applicant seeking ETC designation for "any part of tribal lands shall provide a copy of its application to the affected tribal government or tribal regulatory authority, as applicable." Commnet is not seeking ETC designation on any tribal lands.

**E. Commnet has the ability and is committed to provide the supported services.**

16. Pursuant to 47 C.F.R. § 54.202(a)(1) and Commission Order No. 29841 (Appendix § B.1) Commnet is required to demonstrate its commitment and ability to provide the supported services. Commnet 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 but outside the Company's existing network coverage, and if service can be provided at a reasonable cost. Commnet must meet certain service milestones and buildout requirements in the Designated Service Area as a condition of receiving RDOF support.

17. Additionally, Commnet was required to submit network deployment plans to the FCC that demonstrate its ability to satisfy its RDOF service obligations. 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. While the Commission requires ETCs to submit a two-year network improvement plan, in light of the information that has already been

submitted to the FCC, and its waiver of the network improvement plan requirement, Commnet respectfully requests that the Commission waive its two-year network improvement plan requirement as Commnet understands the Commission has done for other ETC applicants based on similar facts addressing such plan requirements.

**F. Commnet is able to remain functional in emergencies.**

19. Pursuant to 47 C.F.R. § 54.202(a)(2) and Commission Order No. 29841 (Appendix § B.2), Commnet is required to demonstrate that it can remain functional in emergency situations. Commnet certifies it has the ability to do so. Specifically, Commnet has adequate amounts of back-up power to ensure functionality without an external power source, and is able to reroute traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations. Commnet further commits to comply with any applicable reporting requirements of the FCC with respect to outages. The Commnet system is reinforced by the presence of generator backups, capable of running for extended periods in the event of a major electrical outage. These include back-up batteries that provide at least four hours of back-up power and portable generators can be moved to individual cell sites, as needed. Because individual cell sites are spread out, it is highly unlikely that an electrical outage would affect more than two sites simultaneously. In the event of power or other types of failure, the cell sites are equipped with alarms that will alert Commnet technicians. Additionally, the sites are monitored remotely by Commnet's 24/7 Network Operations Center (NOC) should there be a total communications failure at the site. Commnet's main switch connectivity to the public switched voice network is based on a ring topology and is redundant—if the ring is cut, call traffic can be re-routed. Commnet uses both microwave and leased lines for added diversity to cell site hubs. Backbone traffic lines are designed with sufficient capacity to manage extraordinary spikes. The Company has multiple agreements with long distance providers to absorb excess calling, if needed. Commnet has cell sites on wheels, mobile

towers, and mobile generators available for deployment to areas where there are traffic spikes, due to emergencies or special events. Again, Commnet satisfies this requirement for ETC designation.

**G. Commnet is committed to consumer protection and service.**

20. Pursuant to 47 C.F.R. § 54.202(a)(3) and Commission Order No. 29841 (Appendix § B.3), Commnet is required to certify that it will comply with all applicable service quality standards and consumer protection rules. Commnet certifies it will comply with all consumer protection and service quality rules applicable to RDOF recipients.

**H. Commnet is committed to providing comparable local usage plans.**

21. Pursuant to 47 C.F.R. § 54.202 (a)(5) and (6), and Commission Order No. 29841 (Appendix § B.4), Commnet is required to provide local usage plans comparable to those offered by the incumbent LEC in the ETC requested area. Commnet is committed to offering local usage plans comparable to those offered by the incumbent LECs in the service areas for which it seeks ETC designation. Specifically, Commnet will offer at least one rate plan that has unlimited voice allowance at rates that will not exceed the reasonable comparability benchmarks for fixed voice and broadband rates established by the FCC for universal service purposes.

22. Because Commnet will not begin rolling out its service in the Designated Service Area for a few years, due to FCC deadlines and the timing of disbursements, Commnet cannot presently provide the Commission with fully developed local usage plans. However, Commnet certifies that such local usage plans, in all their required detail, will be provided to the Commission before Commnet commences any service in the Designated Service Area.

**I. Commnet will comply with all reporting requirements for ETCs.**

23. Pursuant to Commission Order No. 29841 (Appendix § C), All ETCs requesting high-cost support are required to provide certain information to the Commission on an annual basis. Commnet certifies that it will comply with all applicable annual reporting requirements of



the Commission, including the requirement to report information concerning: (1) outages; (2) unfulfilled service requests; (3) customer complaints; (4) consumer protection and service quality standards; and (4) the Company's local usage plan. As set forth above, Commnet seeks a waiver of the two-year network improvement plan and progress report requirement consistent with the Commission's rulings for similarly situated applicants.

**J. Commnet will comply with all certification requirements for ETCs.**

24. Pursuant to Commission Order No. 29841 (Appendix § D), all ETCs must certify on an annual basis that all federal high-cost support provided to the ETC will be used only for the provision, maintenance, and upgrading of facilities and services for which the support was intended. Commnet certifies that, in accordance with 47 U.S.C. § 254(e), it will use the RDOF support it receives for the Designated Service Area only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

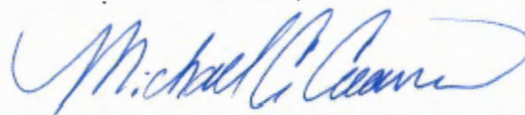
25. Commnet believes that a hearing is not necessary to consider the requested ETC designation. Commnet therefore respectfully requests that this matter proceed under Modified Procedure pursuant to Commission Rules of Procedure 201-204, but that in any event, the Commission process this Application so as to issue a decision no later than June 7, 2021.

26. For the reasons set forth above Commnet respectfully requests that:

- a. This Application be acted upon at the earliest possible date,
- b. The Commission issue an Order designating Commnet as an ETC in the Census Blocks Group identified in Exhibit 1, which has been determined by the FCC to be unserved or underserved, and
- c. The Commission grant such other and further relief as the Commission may deem appropriate under the circumstances.

DATED this 9<sup>th</sup> day of March, 2021.

COMMNET WIRELESS, LLC



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Michael C. Creamer

Blake W. Ringer

*Attorneys for Commnet Wireless, LLC*

VERIFICATION

I, Rohan Ranaraja, hereby state that I am the Executive Director of Regulatory Affairs of Commnet Wireless, LLC; 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 9th day of March 2021.



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Rohan Ranaraja  
Executive Director Regulatory Affairs  
Commnet Wireless, LLC

**EXHIBIT 1**

**COMMNET WIRELESS, LLC**

**CWL-T-21-01**

Census Block Group Number

(1 PAGE)

**COMMNET WIRELESS, LLC  
ETC REQUESTED AREA IN THE STATE OF IDAHO**

<b>RDOF AUCTION ITEM</b>	<b>STATE</b>	<b>COUNTY</b>	<b>CENSUS BLOCK GROUP NUMBER</b>
ID-015-9502001	ID	Boise	160159502001

**EXHIBIT 2**

**COMMNET WIRELESS, LLC**

**CWL-T-21-01**

Certificate of Existence

(1 PAGE)



# STATE OF IDAHO

Lawrence Denney | Secretary of State  
**Business Office**  
450 North 4th Street  
PO Box 83720  
Boise, ID 83720

March 8, 2021

**Request Type: Certificate of Existence/Filing**

Request #: 0004201178

Receipt #: 000457154

Issuance Date: 03/08/2021

Copies Requested: 0

**Regarding: COMMNET WIRELESS, LLC**

Filing Type: Foreign Limited Liability Company

Formation/Qualification Date: 05/23/2011

Status: Active-Existing

Duration Term: Perpetual

File #: 320112

Formation Locale: DELAWARE

Inactive Date:

## Certificate of Existence

I, Lawrence Denney, Secretary of State of the State of Idaho, do hereby certify that effective as of the issuance date noted above

### COMMNET WIRELESS, LLC

is a Limited Liability Company formed in the jurisdiction set forth above and is authorized to transact business in this State.

A handwritten signature in cursive script, appearing to read "Lawrence Denney".

Lawrence Denney

Idaho Secretary of State

Processed By: Business Division

Verification #: 011561214