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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CENTURYLINK)
COMMUNICATIONS, LLC'S APPLICATION) **CASE NO. QCC-T-21-01**
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
)
) **COMMENTS OF THE**
) **COMMISSION STAFF**
)

STAFF OF the Idaho Public Utilities Commission, by and through its Attorney of record, Matt Hunter, Deputy Attorney General, submits the following comments.

BACKGROUND

On March 12, 2021, CenturyLink Communications, LLC (“CenturyLink” or “Company”) applied for designation as an Eligible Telecommunications Carrier (“ETC”) in Idaho.

The Company’s ultimate parent company, Lumen Technologies, Inc., was a winning bidder in the Rural Digital Opportunity Fund (“RDOF”) auction to provide voice and broadband services in select Idaho census blocks. Application at 1. The Company states that Lumen Technologies, Inc. assigned Qwest Corporation (the Company’s parent) the RDOF support for winning bids in Idaho. *Id.* at 2. While the Commission already has designated Qwest Corporation’s affiliates as ETCs for most of the awarded census blocks, 161 census blocks (“Incremental CBs”) fall outside the affiliates’ authorized service areas. *Id.*

The Company is a Commission-certified telephone corporation in the Incremental CBs but is not designated as ETC in these areas. *Id.* at 3. The Company therefore seeks ETC designation in the Incremental CBs. *Id.* at 8.

THE APPLICATION

CenturyLink is a Delaware limited liability company with its principal place of business at 100 CenturyLink Drive, Monroe, Louisiana, 71203. Application at 3. CenturyLink is authorized to do business in Idaho. *See Id.*

The Company states it qualifies for ETC designation under the federal Telecommunications Act of 1996 (47 U.S.C. § 214(e)). *Id.* Specifically, the Company asserts it satisfies the requirements for designation as an ETC in that it: would serve the public's interest if the Company were designated an ETC; is a common carrier; commits to provide services supported by federal universal support mechanisms; will advertise the availability of supported services; will make available Lifeline service; is financially and technically capable of offering lifeline services; is not seeking ETC status on tribal lands; has the ability to remain functional in emergency situation; commits to comply with service quality standards and consumer protection rules; will comply with all applicable annual reporting requirements; and will make lifeline service available to qualifying low-income consumers. *Id.* at 4-7. The Company argues that designating the Company as an ETC is in the public interest, and asks the Commission to grant its ETC status by June 1, 2021. *Id.* at 6-7.

STAFF ANALYSIS

Staff has reviewed CenturyLink's Application and has conducted an analysis of the Company's fulfillment of the federal Telecommunications Act of 1996, the FCC's regulations, the RDOF requirements, and Commission Order No. 29841. In addition, Staff has analyzed the public interest considerations of awarding the Company ETC designation. Specific state and federal requirements for ETC designation are discussed in more detail below.

Public Interest Analysis

Staff typically applies a two-prong test when analyzing whether a company's ETC application is in the public interest. First, Staff verifies that the Company will contribute to the

appropriate Idaho funds. Second, Staff analyzes whether the Company's Application raises "cream skimming" concerns.

In its Application, CenturyLink confirms that upon designation as an ETC in Idaho the Company will comply with Order No. 29841. Application at 6-7. The Company requests ETC designation for entire census blocks in areas that are unserved, high-cost areas of Idaho; therefore, no cream skimming analysis is required. *See Id.* at 6, Exhibit B. Thus, Staff believes CenturyLink's Application satisfies the public interest considerations.

Network Improvement Plan

The Commission requires all ETCs receiving high-cost support to provide a two-year network improvement and progress report. *See* Order No. 29841 at 18. However, the FCC waived the requirement for a winning bidder to file a five-year plan as part of the FCC ETC designation process. *WCB Reminds Connect Am. Fund Phase II Auction Applicants of the Process for Obtaining A Fed. Designation as an Eligible Telecommunications Carrier*, 33 F.C.C. Rcd. 6696 (2018). The FCC removed this requirement because it "adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones." *Id.*

The Company did not provide a two-year network improvement and progress report as part of its Application. Staff believes a waiver to the Commission's two-year plan requirement is appropriate because of the FCC's heightened oversight of RDOF Action winners.

Ability to Remain Functional in Emergencies

The Company states that its "services will remain functional in emergencies as set forth in Commission Order No. 29841 and in 47 C.F.R. § 54.202(a)(2)." Application at 7. Staff agrees CenturyLink satisfies this requirement.

Other ETC Designation Requirements

Additional requirements for ETC designation are detailed in Appendix 1 of Order No. 29841 and are discussed in more detail below.

1. Common Carrier Status. CenturyLink is a common carrier as defined in U.S.C. Title 47. *Id.* at 4.

2. Provide Universal Services. CenturyLink will provide all required services and functionalities as set forth in Section 54.101(a) of the FCC's Rules (47 C.F.R. § 54.101(a)). *Id.* at 4-5.

3. Advertising. CenturyLink will advertise the availability and rates for its services described in the Application through media of general distribution as required by 47 U.S.C. § 214(e)(1)(B). *Id.* at 6.

4. A Commitment to Consumer Protection and Service. CenturyLink commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards. *Id.* at 6-7.

5. Description of the Local Usage Plan. CenturyLink will offer "voice services on a stand-alone basis...where requested by a customer." *Id.* at 5.

STAFF RECOMMENDATION

Based on its review of the Company's Application, Staff believes the Application demonstrates the Company's commitment to fulfill the obligations of an ETC in Idaho. The Company will provide all universal services supported by the federal USF throughout its service territory and it has addressed all the public interest questions that accompany an ETC application. Thus, Staff believes CenturyLink's Application for designation as an ETC is in the public interest and should be approved.

Respectfully submitted this 26TH day of April 2021.



Matt Hunter
Deputy Attorney General

Technical Staff: Daniel Klein

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 26TH DAY OF APRIL 2021, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. QCC-T-21-01, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

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