

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

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 South Dakota to Receive)
Federal Lifeline Support)
_____)

**APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER TO RECEIVE FEDERAL LIFELINE SUPPORT**

Cable One VoIP LLC d/b/a Sparklight (the “Company”), by its attorneys, respectfully submits this Application for Designation as an Eligible Telecommunications Carrier to Receive Federal Lifeline Support (“Application”) to the South Dakota Public Utilities Commission (the “Commission”) pursuant to Section 214(e)(2)¹ of the Federal Communications Act of 1934, as amended (the “federal Act”), the rules and regulations of the Federal Communications Commission (“FCC”),² SDCL 49-31-78, and ARSD 20:10:32:42-46. The Company seeks eligible telecommunications carrier (“ETC”) designation from the Commission for the provision of broadband Internet access and voice services in the cable franchise areas currently served by its parent, Cable One, Inc. (“Cable One”), as set forth in **Exhibit 1** (the “Designated Service Area”).

The Company’s parent, Cable One, is a participant in the FCC’s Emergency Broadband Benefit (“EBB”) Program pursuant to which eligible low-income households in South Dakota may receive a discount off the cost of broadband Internet access service (or voice/Internet access bundles).³ The EBB Program, however, is only a temporary, emergency program, and will come

¹ 47 U.S.C. § 214(e)(2).
² 47 C.F.R. §§ 54.201, 54.202; *Lifeline and Link Up Reform and Modernization; et al.*, 27 FCC Rcd 6656 (2012) (“*Lifeline Reform Order*”).
³ WC Docket No. 20-445, *Emergency Broadband Benefit Program*, Report and Order, FCC 21-29 (rel. Feb.

to an end once the funds appropriated by Congress have been expended or six months after the Department of Health and Human Services declares the end of the COVID-19 health emergency, whichever comes first. Recognizing the finite nature of the EBB Program, the FCC has encouraged providers to assist consumers with the transition to comparable broadband services or continue to offer the same broadband service at a discounted rate after conclusion of the EBB Program.⁴ To that end, the Company seeks ETC designation in the Designated Service Area to ensure low-income South Dakota consumers can continue to receive discounted broadband Internet access service (or voice/Internet bundles) after the conclusion of the EBB Program. Accordingly, the Company respectfully requests expedited review of this Application to ensure low-income South Dakota consumers can continue to access “the broadband they need to participate in virtual learning, complete their homework, and communicate with employers and healthcare providers” once the EBB Program ends.⁵

As demonstrated herein, the Company meets all of the statutory and regulatory requirements for designation as a Lifeline-only ETC in the state of South Dakota. 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 the South Dakota Secretary of State to conduct business in the state as shown in **Exhibit 2**. The Company will operate in South Dakota under the DBA brand “Sparklight” as reflected in **Exhibit**

26, 2021) (“*EBB Order*”). Additional information regarding the FCC’s EBB Program can be found at: <https://www.fcc.gov/emergency-broadband-benefit-program>.

⁴ *EBB Order* ¶¶ 130-31.

⁵ *EBB Order* ¶ 130.

2. Attached as **Exhibit 3** is a current list of the Company's officers, along with relevant biographical information.

2. The Company currently offers interconnected Voice over Internet Protocol ("VoIP") service in the state of Arizona. The Company is registered with the Louisiana Public Service Commission, Iowa Utilities Board, and Washington Utilities and Transportation Commission to provide interconnected VoIP service, and holds certification in the state of Nebraska.

3. The Company was a winning bidder in the FCC's recent Rural Digital Opportunity Fund ("RDOF") auction (Auction 904).⁶ In connection with RDOF, the Company received ETC designation in Arizona, Arkansas, Idaho, Iowa, Louisiana, Minnesota, Nebraska, New Mexico, North Dakota, Texas, and Washington (and in most cases those designations also include Lifeline-only ETC designation in non-RDOF areas). The Company also has Lifeline-only ETC applications pending in Washington and at the FCC for the states of Alabama and Tennessee, and plans to file additional Lifeline-only ETC applications in other states to continue serving low-income customers after the conclusion of the EBB Program. The Company has never been denied ETC designation by any state commission or by the FCC.

4. 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 24 states, including South Dakota. Other subsidiaries of Cable One hold ETC designation in the states of Georgia, Illinois, Missouri, Oklahoma, and South Carolina.

⁶ *Rural Digital Opportunity Fund, et al.*, 35 FCC Rcd 686 (2020) ("*RDOF Order*"). The Company's parent, Cable One, was a member of the Wisper-CABO 904 Consortium.

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

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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**

6. Section 214(e)(1) of the federal Act, the FCC's rules, and ARSD 20:10:32:42-46 set forth certain requirements for ETC designation.⁷ The Company meets each of these requirements.⁸

7. ARSD 20:10:32:43(2). An ETC applicant must provide the proposed effective date for its ETC designation. The Company respectfully requests ETC designation no later than

⁷ 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.201, 54.202; ARSD 20:10:32:42-46.

⁸ The Company provides the following information in accordance with the requirement that the Application specify why the requested designation satisfies the requirements for ETC designation and receipt of federal universal service support under 47 C.F.R. § 54.201.

September 30, 2021 so that low-income South Dakota consumers can continue to receive discounted broadband Internet access service (or voice/Internet bundles) after the conclusion of the EBB Program.

8. ARSD 20:10:32:43(3); ARSD 20:10:32:45. An ETC applicant must clearly indicate its proposed service area, and the Commission decision on a request for ETC designation must include a determination of the applicable service area. The Company's Designated Service Area consists of the cable franchise areas served by Cable One (the Company's parent) in South Dakota. The Designated Service Area is set forth in **Exhibit 1**, which includes a map of the proposed Designated Service Area. The Company confirms that none of the Company's proposed Designated Service Area is served by a rural telephone company.

9. FCC Rule 54.201(c); FCC Rule 54.202(b); ARSD 20:10:32:43(6); ARSD 20:10:32:43.07. An ETC applicant must demonstrate the ETC designation is consistent with the public interest, 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. Designation of the Company as an ETC will serve the public interest, convenience, and necessity. ETC designation will permit the Company to provide Lifeline services to low-income consumers in South Dakota, and ensure those consumers can continue to have access to discounted broadband services after conclusion of the EBB Program. The planned 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."⁹ As the FCC has observed, "an important goal of the [federal] Act is to open local telecommunications markets to competition.

⁹ 47 U.S.C. § 254(b)(1).

Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”¹⁰

10. Further, designation of the Company as a Lifeline-only ETC will have no material impact on the federal Lifeline fund. Lifeline support follows the customer, so a customer taking Lifeline service from either the Company or another provider will cause the identical amount of impact upon the federal universal service fund. In addition, the Company is uniquely situated to provide the supported services in the Designated Service Area because it is an established provider with a stable and robust network, and is a member of a large family of companies that have been offering service in South Dakota and other states for many years.

11. FCC Rule 54.201(d). An ETC applicant must be a “common carrier” as defined by federal law.¹¹ 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 South Dakota. As to Lifeline customers in the Designated Service Area, 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 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 using a combination of its own facilities and the facilities of other providers.

13. Two services are supported by the federal universal service support mechanisms:

¹⁰ *Federal-State Joint Board on Universal Service*, 16 FCC Rcd 48, ¶ 17 (2000).

¹¹ 47 U.S.C. § 153(11).

(1) voice telephony services; and (2) broadband Internet access services. 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.¹² 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.¹³

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 a Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls.¹⁴ As explained below, the Company is not required 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. If a Lifeline customer chooses a calling plan that does not include unlimited voice calling within the United States, the Company will provide toll limitation service to that customer at no cost.

15. Similarly, the Company’s broadband Internet access service offering will provide

¹² 47 C.F.R. § 54.101(a)(1).

¹³ 47 C.F.R. § 54.400(l).

¹⁴ *Lifeline Reform Order* ¶ 49.

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 offerings will meet the minimum service standards required by the FCC's rules for Lifeline service offerings.¹⁵

16. The Company will use a combination of its own facilities and the facilities of other providers to offer Lifeline service in the Designated Service Area. The Company's parent, Cable One, is a facilities-based cable operator in South Dakota and has hybrid fiber coax facilities in the franchise areas set forth in **Exhibit 1** to the Application. The Company will provide Lifeline service using the existing facilities-based network of its parent Cable One. The Company also has entered into a contract with a third-party telecommunications carrier to support its provision of interconnected VoIP service in South Dakota (and other states). Pursuant to that contract, the third-party telecommunications carrier provides all services and functions related to the PSTN. These PSTN-related services and functions include providing access to 911/E911, as well as obtaining telephone numbers for use by the Company's customers, converting interconnected VoIP service calls into the appropriate format for PSTN transmission, establishing relationships with other telecommunications companies, maintaining necessary communications transmission facilities, and transmitting interconnected VoIP calls to and from the PSTN as needed. 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.¹⁶

17. FCC Rule 54.201(d)(2); FCC Rule 54.405(b)-(d). An ETC applicant must demonstrate that it will advertise the availability of its offering and service charges using media of

¹⁵ 47 C.F.R. § 54.408.

¹⁶ *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).

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.¹⁷ 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 in the Designated Service Area.

18. In addition, with respect to Lifeline services, the Company will publicize the availability of the Lifeline discount in the Designated Service Area in a manner reasonably designed to reach those likely to qualify for the service.¹⁸ Using easily understood language, the Company will indicate on all materials describing Lifeline 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.¹⁹ The Company also will disclose its name or its DBA name on all materials describing the Lifeline service.²⁰

19. FCC Rule 54.201(h); FCC Rule 54.202(a)(4). An ETC applicant 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

¹⁷ 47 C.F.R. § 54.201(d)(2).

¹⁸ 47 C.F.R. § 54.405(b).

¹⁹ 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.*

²⁰ 47 C.F.R. § 54.405(d).

applicant has been in business, whether the applicant intends to 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.²¹

20. 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 South 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.²² 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.

21. FCC Rule 54.202(a)(1); ARSD 20:10:32;43.02. 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. In addition, under the Commission's rules, an ETC applicant must submit a two-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed designated service area.

22. The Company certifies that it will comply with the service requirements applicable to Lifeline support in the Designated Service Area. There are no planned investments to be made

²¹ *Lifeline Reform Order* ¶ 388.

²² 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>.

for the Company to offer Lifeline service in the Designated Service Area. The Company will be able to provide voice and broadband Internet access service to all requesting customers in the Designated Service Area upon initial ETC designation by the Commission. Further, a five-year network improvement plan is no longer necessary for entities seeking Lifeline-only designation.²³ Accordingly, the Company respectfully requests a waiver of the Commission's requirement to submit a two-year investment plan as it has done for other Lifeline-only ETCs.²⁴

23. ARSD 20:10:32:43.01. An ETC applicant must commit to providing service throughout its proposed designated service area to all customers making a reasonable request for service. The Company commits to providing Lifeline service throughout its proposed Designated Service Area. The Company certifies that it will: (1) provide service on a timely basis to requesting customers within the Designated Service Area where the Company's network already passes the potential customer's premises; and (2) if the potential customer is within the proposed Designated Service Area but outside the Company's existing network coverage, provide service within a reasonable period of time, if the service does not impose excessive or unreasonable cost.

24. FCC Rule 54.202(a)(2); ARSD 20:10:32:43.03. 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 traffic spikes resulting from emergency situations. 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

²³ *Lifeline Reform Order* ¶ 386.

²⁴ *See, e.g.,* Case Nos. TC12-125, TC12-072.

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. Cable One maintains geo-diverse data centers, which house back office and customer support systems. Cable One's network interconnects with transit and peering organizations at six geo-redundant locations across the United States, which makes the network highly redundant and provides full failover capacity should any site become unavailable.

25. Further, as a provider of interconnected VoIP service, the Company also is subject to FCC requirements regarding back-up power.²⁵ Under FCC Rule 9.20, any provider of a facilities-based, fixed voice service offered as residential service that is not line-powered must offer subscribers the option to purchase backup power for the voice service, and must make certain annual disclosures regarding the availability of such backup power options.

26. FCC Rule 54.202(a)(3); ARSD 20:10:32:43.04. An ETC applicant must certify that it will comply with all applicable service quality standards and consumer protection rules. 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. Cable One and its subsidiaries, including the Company, have a long history of offering service in South Dakota and many other states.²⁶ The Company commits to abide by all applicable South Dakota and federal consumer protection and service quality standards to the extent applicable to the services provided by the Company in the Designated Service Area.

²⁵ 47 C.F.R. § 9.20.

²⁶ See, e.g., Cable ONE Captures Top Spot in the West in J.D. Power Residential Internet Satisfaction Study (Oct. 31, 2018), <https://www.businesswire.com/news/home/20181031005045/en/Cable-ONE-Captures-Top-Spot-in-the-West-in-J.D.-Power-Residential-Internet-Satisfaction-Study>

27. FCC Rule 54.202(a)(5); FCC Rule 54.202(a)(6); ARSD 20:10:32:43.05. FCC rules require ETC 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.²⁷ If an ETC offers plans to Lifeline subscribers that are generally available to the public, the ETC may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans.²⁸ 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.

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, but notes the federal Lifeline discount currently is scheduled to sunset as of December 1, 2021 for voice-only service.²⁹ The Company’s service plan information is available on its website: www.sparklight.com. These are the same plans the Company’s parent Cable One is offering in South Dakota under the EBB Program. The Company will apply the Lifeline discount to any voice, broadband, or bundled plans that meet the FCC’s minimum service requirements for Lifeline services.

²⁷ *Lifeline Reform Order* ¶ 49.

²⁸ 47 C.F.R. § 54.401(d).

²⁹ <https://www.usac.org/lifeline/get-started/eligible-services/lifeline-supported-voice-service/>.

29. The Company’s pricing will be reasonably comparable to the price of similar services in urban areas pursuant to FCC requirements.³⁰ 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 \$54.75.³¹ 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.³²

30. FCC Rule 54.405(a). An ETC 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.³³

31. FCC Rule 54.405(e). An ETC must implement certain de-enrollment procedures for Lifeline customers. The Company certifies it will comply with the FCC’s de-enrollment procedures 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 using the Lifeline National Verifier and/or the National Lifeline Accountability Database (“NLAD”). The Company also has established processes for ensuring Lifeline services are provided only to eligible customers,

³⁰ 47 C.F.R. § 54.313(a)(2), (3).

³¹ *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*”).

³² *Comparability PN* at 3.

³³ 47 C.F.R. § 54.401(a).

including procedures for confirming consumer eligibility, enrolling eligible customers, re-certifying eligibility at regular intervals, and recordkeeping. These processes are consistent with the processes currently used by the Company and its ETC affiliates in other states, and consistent with the processes to be used by Cable One (and the Company's other affiliates) for the EBB Program, which has certification and verification requirements similar to those used in the Lifeline program.

33. ARSD 20:10:32:43.06. An ETC applicant must certify that it will be able to provide equal access to long distance carriers if no other ETC is providing equal access within the service area. The Company acknowledges this requirement, but notes that its planned service offering will provide 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.

34. ARSD 20:10:32:46. An ETC applicant must provide a copy of its application to any other company that is serving as an ETC within the relevant service area. As shown on the attached Certificate of Service, the Company has provided a copy of this Application to all other ETCs in the Company's proposed Designated Service Area.

CONCLUSION

For the foregoing reasons, the Company respectfully requests that the Commission designate it as a federal Lifeline ETC for the provision of voice and broadband services in the Designated Service Area on expedited basis to ensure low-income South Dakota customers can continue to receive the benefits of discounted broadband Internet access and/or voice offerings after conclusion of the EBB Program.

Dated: July 1st, 2021

Respectfully submitted,

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



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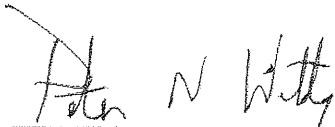
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Its Attorneys

VERIFICATION

I, Peter N. Witty, hereby state under penalty of perjury under the laws of the State of South 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 11th day of June 2021 in Phoenix, Arizona.



Peter N. Witty
Vice President & Secretary
Cable One VoIP LLC d/b/a Sparklight