**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of )

)

ML Connect, LLC ) WC Docket No. 09-197

)

Petition for Designation as an )

Eligible Telecommunications Carrier )

Pursuant to Section 214(e)(6) of the )

Communications Act of 1934 )

**PETITION FOR**

**ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to §214(e)(6) of the Communications Act of 1934 (“Act”), as amended,

and §54.202 of the Commission’s Rules (“Rules”), ML Connect, LLC (“Petitioner”)

respectfully requests designation as a high-cost and low income Eligible

Telecommunications Carrier (“ETC”) in the State of Tennessee in all areas in which

Petitioner has been allocated Connect America Fund (“CAF”) Phase II support as a

winner of the CAF Phase II auction (“Auction 903”).

Petitioner is a single-member legal entity wholly-owned by Meriwether Lewis

Electric Cooperative (“MLEC”), a member-owned non-profit electric cooperative. MLEC

delivers electricity through its distribution system to approximately 33,500 customers in a

service area of approximately 2,000 square miles through-out the Tennessee counties of

Hickman, Houston, Humphreys, Lewis and Perry.

Petitioner is obligated to obtain ETC designation within 180 days of the

Commission’s announcement of its winning bids for the locations it will serve, and

requests expeditious action by the Commission so that it may meet this requirement.

I. INTRODUCTION AND SUMMARY

Petitioner is a single-member legal entity wholly-owned by MLEC, a member-

owned non-profit electric cooperative.

Petitioner will assist with the deployment and operation of a new state-of-the-art,

low latency, fiber-to-the-premise (“FTTP”) network, that will enable it to provide high-

speed broadband Internet access and Voice over Internet Protocol (“VoIP”) services to

cooperative members who lack access to such services. Petitioner will offer Internet

access services at speeds up to 1 Gbps and will provide its customers with voice

grade access to the Public Switched Telephone Network (“PSTN”) through its

interconnected VoIP service arrangement.

Petitioner seeks from the Commission a high-cost and low income ETC

designation status in its winning area of the CAF Phase II-eligible census block groups

(EXHIBIT A-Auction 903 Census Block Groups) in order to deploy broadband and

voice services in these areas, as well as low-income ETC designation status

throughout the non-winning areas of these same census block groups. Petitioner

commits to serving the entire census block group and understands it must offer Lifeline

service throughout the service area, consisting of the MLEC electric service footprint, in

accordance with FCC rules and requirements

The Commission has the authority to grant ETC designation status to Petitioner

pursuant to § 214(e)(6) of the Act, and Petitioner meets both the statutory and regulatory

requirements for ETC designation. Designating Petitioner as a high-cost and/or low-

income ETC will allow Petitioner to receive CAF Phase II support and federal

Lifeline support, in both the winning area of the CAF Phase II-eligible census block

groups and those additional service areas within the MLEC electric service footprint

(“Proposed ETC Service Area”). Further, designating Petitioner as a high-cost and/or

low-income ETC in its Proposed ETC Service Area will serve the public interest by

enabling it to provide broadband and voice services to its customers including those

consumers who are eligible for federal Lifeline benefits.

II. THE COMMISSION HAS AUTHORITY TO

GRANT THE ETC DESIGNATION REQUESTED

Pursuant to 47 U.S.C. § 214(e)(6), the Commission may designate an ETC where

the Petitioner “is not subject to the jurisdiction of a state commission.” Tenn. Code Ann.

§ 7-59-307(d) states:

No franchising authority, state agency, municipality, county or political subdivision of the state is authorized to regulate the provision of retail interconnected voice over Internet protocol service.

*See also* Tenn. Code Ann. § 65-5-203 (“the Tennessee public utility commission shall not

exercise jurisdiction of any type over or relating to broadband services, regardless of the

entity providing the service, except as provided in § 65-5-202(a)”).

Additionally, the Tennessee Public Utility Commission has provided an

affirmative statement (EXHIBIT B-Public Utility Commission Letter) that it will not

assert jurisdiction over broadband and/or VoIP providers seeking ETC designation, and

that such providers should apply to the FCC to be designated as an ETC.

III. PETITIONER MEETS THE STATUTORY AND

REGULATORY PREREQUISITES TO BE DESIGNATED AS AN ETC

Petitioner satisfies each of the statutory and regulatory requirements set forth in

the Act and the FCC’s Rules to be a high-cost and low-income ETC.

A. Petitioner Will Provide Service as a Common Carrier

Petitioner will provide service on a common carrier basis in its Proposed ETC

Service Area. Petitioner thusly certifies that it is a common carrier under §§ 214(e)(1)

and 214(e)(6) of the Act. (EXHIBIT C-Affidavit of Keith Carnahan).

B. Petitioner Will Offer the Services Supported by

the Federal Universal Service Support Mechanisms

As described below, Petitioner certifies that it will provide the following

services that are supported by the federal universal service support mechanisms:[[1]](#footnote-1)

1. Voice Grade Access to the Public Switched Telephone Network (PSTN)

Petitioner will meet this requirement through the provision of IP-based

voice communications service interconnected to the PSTN. Petitioner will

be legally responsible for managing customer service and billing issues,

contracted quality of service assurances, and meeting universal service-

related requirements. Petitioner will offer stand-alone voice telephone

service throughout its Proposed ETC Service Area, and will offer such

services at rates that are reasonably comparable to urban rates. This

service will include minutes of use for local service provided at no charge

to end users and access to emergency services via 911 or E911, wherever

available from local government or public safety organizations. [[2]](#footnote-2)

Additionally, Petitioner commits to provide toll limitation services to

qualifyng low-income consumers as provided in §§ 54.400 – 54.423 of the

Rules. [[3]](#footnote-3)

2. Broadband Internet Access Services

Petitioner’s broadband Internet offering will provide the capability to

transmit/receive data by wire from all or substantially all Internet

endpoints. The service to be offered will be a low-latency broadband

Internet service at speeds up to 1 Gbps throughout its Proposed

ETC Service Area at rates that are reasonably comparable to urban rates.[[4]](#footnote-4)

3. Lifeline Service

Petitioner will offer Lifeline voice and broadband services to qualifying

low-income consumers in accordance with the FCC’s Rules throughout its

Proposed ETC Service Area.[[5]](#footnote-5)

Petitioner further commits to provide these services consistent with the applicable

FCC high-cost and low-income universal service support rules. [[6]](#footnote-6)

C. Petitioner Will Provide Service Using Its Own Facilities

Petitioner will deploy and operate a new state-of-the-art, low latency, FTTP

Network to provide high-speed broadband Internet access and interconnected VoIP

services, to customers and locations identified in Exhibits A1 and A2.[[7]](#footnote-7)

D. Petitioner Will Provide the Requisite Supported

Services Throughout Its Proposed ETC Service Area

Petitioner commits to providing the supported services throughout its Proposed

ETC Service Area, consistent with all applicable requirements.[[8]](#footnote-8)

E. Petitioner Will Advertise the Availability of

Its Services and Charges Using Media of General Distribution

Petitioner will advertise the availability of and charges for its supported service

offerings using media of general distribution, and will undertake outreach initiatives to

increase consumer awareness of its service offerings, consistent with all applicable

requirements.[[9]](#footnote-9) Petitioner will offer and advertise its broadband and interconnected VoIP

services, including those offerings that include the supported services. This will be

accomplished using a combination of media channels and print advertising, such as

television, newspaper, the Tennessee Magazine, bill boards, direct marketing campaigns

and/or the Internet.

F. Petitioner Possesses the Financial and Technical

Capability to Provide the Supported Services

With the financial backing of its parent, MLEC, Petitioner possesses the financial

and technical capabilities to pay for all start-up expenses to accomplish the building of

the fiber optic network and to begin providing broadband and voice services throughout

its Proposed ETC Service Area. Petitioner confirms it can obtain the requisite amount of

lending under its existing lines of credit and will be able to obtain additional financing, in

addition to the CAF Phase II support being made available pursuant to Auction 903.

Additional construction funding and other financial information was provided as part

of Petitioner’s FCC Form 683 application.

G. Petitioner Will Meet the Additional

Requirements for Designation as an ETC

Petitioner, in accordance with EXHIBIT C (Affidavit of Keith Carnahan), further

certifies that it will meet the Commission’s requirements for designation as an ETC under

§ 214(e)(6) of the Act.

1. Compliance with Applicable Service and Performance Quality

Requirements.

Petitioner certifies that it will comply with the service requirements

applicable to the support that it receives, including the requirements for

CAF Phase II support, and will provide additional information in this regard as part of its FCC Form 683 application, including a certification

from a professional engineer that the fiber optic network is capable of

delivering broadband and voice service that meets the requisite

performance requirements and sufficient capacity to meet customer

demand at or above the prescribed levels during peak usage periods.[[10]](#footnote-10)

2. Ability to Remain Functional in Emergency Situations.

Petitioner certifies that its fiber optic network will have the ability to

remain functional in emergency situations, will have a reasonable amount

of back-up power to ensure functionality without an external power

source, will be able to reroute traffic around damaged facilities and will be

capable of managing traffic spike resulting from emergency situations. [[11]](#footnote-11)

Petitioner’s fiber optic network will support telephone service using

Session Initiation Protocol-based VoIP technology and will support all

phone features, including 911 services.

IV. ANTI-DRUG ABUSE CERTIFICATION

Petitioner certifies, in accordance with EXHIBIT C (Affidavit of Keith

Carnahan), that no party to this petition is subject to denial of federal benefits,

including Commission benefits, pursuant to § 5301 of he Anti-Drug Abuse Act of

1988.

V. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST

The grant of this petition will clearly serve the public interest by permitting

ML Connect, LLC to fulfill the objectives of Auction 903 by bringing low

latency, gigabit-speed broadband services to consumers in its Proposed ETC

Service Area, as well as subsidized broadband and voice services to those

households that qualify for federal Lifeline benefits throughout the Proposed ETC

Service Area. Petitioner’s participation will “encourage the deployment on a

reasonable and timely basis of advanced telecommunications capability to all

Americans….,”[[12]](#footnote-12) and will aid the Commission’s objective of ensuring that federal

universal service support, including CAF Phase II support, is used “efficiently and

effectively.”[[13]](#footnote-13)

VI. CONCLUSION

For the foregoing reasons, ML Connect, LLC respectfully requests that the

Commission designate it as a high-cost and/or low-income ETC, as requested, so

that it will be eligible to receive CAF Phase II support won via Auction 903, as

well as provide Lifeline services to those within its Proposed ETC Service Area

that qualify to receive federal Lifeline benefits.

Respectfully submitted,

ML Connect, LLC

/s/ Terri K. Firestein

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Regulatory Consultant for ML Connect, LLC

January 8, 2019

1. *See id.* [↑](#footnote-ref-1)
2. 47 C.F.R. § 54.101(a)(1) and (b). [↑](#footnote-ref-2)
3. 47 C.F.R. § 54.101(a)(1) [↑](#footnote-ref-3)
4. 47 C.F.R. § 54.101(a)(2) [↑](#footnote-ref-4)
5. 47 C.F.R. § 54.405(a), 54.400 *et seq.* [↑](#footnote-ref-5)
6. *See* 47 C.F.R. §§ 54.101 and 54.201 [↑](#footnote-ref-6)
7. 47 C.F.R. § 54.201(d)(1) [↑](#footnote-ref-7)
8. *See* 47 C.F.R. §§ 54.101 and 54.201 [↑](#footnote-ref-8)
9. 47 C.F.R. § 54.201(d)(2) [↑](#footnote-ref-9)
10. *See* 47 C.F.R. § 54.309. [↑](#footnote-ref-10)
11. *See* 47 C.F.R. § 54.202(a)(2). [↑](#footnote-ref-11)
12. 47 U.S.C. § 1302(a). [↑](#footnote-ref-12)
13. *Connect America Fund,* 32 FCC Rcd 968, 975 (¶20)(2017) [↑](#footnote-ref-13)