

**Before the
Federal Communications Commission
Washington, DC 20544**

In the Matter of)	
)	
Tombigbee Communications, LLC)	WC Docket 09-197
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
Pursuant to Section 214(e)(6) of the)	
Communications Act of 1934, as amended)	

To: The Commission

**PETITION FOR ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), and Section 54.292 of the rules of the Federal Communications Commission (“Commission”), Tombigbee Communications, LLC (“Tombigbee”) respectively requests designation as an eligible telecommunications carrier (“ETC”) for a service area containing 100 census blocks (279 locations) in the State of Alabama¹. Tombigbee was recently awarded support to serve such locations through the Connect America Fund (“CAF”) Phase II auction (“Auction 903”).² As a result, Tombigbee is obligated to obtain ETC designation status within 180 days of the Phase II Auction Closing Public Notice³, and therefore requests expeditious action that it may meet this requirement.

¹ A list of the census blocks is attached as Exhibit A.

² Public Notice, *Connect America Fund Phase II (Auction 903) Closes, Winning Bidders Announced, FCC Form 683 Due October 15, 2018, DA 18-887 (released August 28, 2018) (Phase II Auction Closing Public Notice)*.

³ See 47 CFR § 54.315(b)(5).

I. INTRODUCTION AND SUMMARY

On August 28, 2018, the Commission announced the winning bidders for the FCC Auction 903. Tombigbee was announced as a winning bidder for a total of 279 locations in the State of Alabama with a total support amount of \$1,691,878.60. Tombigbee has filed a long-form application for the census blocks listed in Exhibit A (the “Proposed ETC Service Area”).

Tombigbee is a wholly-owned subsidiary of Tombigbee Electric Cooperative, Inc. (“TEC”), a non-profit electric distribution cooperative incorporated in 1941 to provide electric services to rural areas of Marion, Lamar, and portions of Fayette counties in Alabama. TEC has over 6,500 members located in areas served by over 2,175 miles of electric service lines primarily in Marion, Lamar, Winston and Fayette Counties in Alabama. TEC formed Tombigbee in June 2017 to construct and operate a new state-of-the-art Fiber To The Home (“FTTH”) network to provide high-speed broadband Internet access and Voice over Internet Protocol (“VoIP”) services to cooperative members and other residences of those counties who currently lack sufficient and affordable access to such services.⁴ As of October 2018, Tombigbee has more than 425 miles of both transport and distribution fiber built, with over 3,000 customers currently receiving broadband Internet services and/or VoIP services and more than 3,000 customers signed up and waiting for construction to be completed in their geographic area.

Tombigbee’s primary operation center is located in the TEC main office located in Hamilton, Alabama, but Tombigbee has additional network elements located in the cities of Winfield, Bear Creek, and Haleyville in Alabama, with plans to put network elements in the cities of Vernon, Sulligent and Fayette in Alabama as the FTTH project continued construction and services are offered in these areas.

⁴ Tombigbee Communications, LLC is a limited liability company organized under the laws of the State of Alabama.

As discussed in more detail below, the Commission has the authority to grant Tombigbee's petition for ETC designation pursuant to Section 214(e)(6) of the Act, and Tombigbee meets all of the statutory and regulatory requirements for ETC designation.

II. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATION REQUESTED BY TOMBIGBEE.

Pursuant to Section 214(e)(6) of the Act, the Commission may designate an ETC where the applicant "is not subject to the jurisdiction of a State commission"⁵ In the July 2018 *ETC Process Public Notice*, the Wireline Competition Bureau advised Phase II auction applicants that "If a state law expressly articulates that it does not have jurisdiction over a relevant type of technology, Commission staff would consider such a statute relevant in its determination of Commission jurisdiction."⁶ Alabama has expressly declined jurisdiction over broadband and VoIP.

Tombigbee submitted an application to the Alabama Public Service Commission ("APSC") seeking the APSC's recommendation that Tombigbee be designated an eligible telecommunications carrier by the Commission. Following a review by the APSC of Tombigbee's application, Tombigbee received an affirmative statement from the APSC that the APSC does not exercise jurisdiction over broadband and VoIP providers seeking competitive ETC designation, and therefore defers to the Commission consideration of Tombigbee's request for ETC certification.⁷

Given the requirement that Tombigbee obtain ETC status within 180 days of the

⁵ 47 U.S.C. §214(e)(6)

⁶ Public Notice, *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, WC Dockets No. 09-197, 10-90, DA 18-714 (released July 10, 2018) ("*ETC Process Public Notice*"), at 2; *see also Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 29 FCC Rcd 7051, 7112, para. 183 (2014).

⁷ *See* Exhibit B, Letter from John A. Garner, Executive Director, Alabama Public Service Commission, State of Alabama, to Peter J. Hardin, Sirote & Permutt, P.C., February 19, 2019 (APSC letter deferring jurisdiction over Tombigbee's ETC Petition to the Commission).

Phase II Auction Closing Public Notice, Tombigbee urges the Commission to act expeditiously on its request for ETC designation. Tombigbee requests ETC designation status in all of the Proposed ETC Service Area.

III. TOMBIGBEE MEETS THE STATUTORY AND REGULATORY REQUIREMENTS TO BE DESIGNATED AS AN ETC.

As demonstrated herein, Tombigbee satisfies each of the statutory and regulatory requirements set forth in the Act and the Commission's rules.

A. Tombigbee Will Provide Service as a Common Carrier

In the areas where Tombigbee receives ETC designation, Tombigbee will provide interconnected VoIP service in the designated census blocks on a common carrier basis. As such, with respect to the interconnected VoIP services it plans to deploy in the designated census blocks, Tombigbee certifies that it is a common carrier under 214(e)(1) and 214(e)(6) of the Act.⁸

B. Tombigbee Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

For CAF Phase II support recipients, the Commission defines the supported service as qualifying voice service and conditions grant of funding on the offering of qualifying broadband service.⁹ As described below, Tombigbee certifies that it will provide the following services that are supported by the federal universal service support mechanisms.¹⁰

⁸ See Exhibit C (Affidavit of Steve F. Foshee, President and Chief Executive Officer, Tombigbee Electric Cooperative, the sole member of Tombigbee Communications, LLC) ("Foshee Affidavit").

⁹ See 47 CFR § 54.101 (including, both eligible voice telephony and eligible broadband internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); *see also Connect America Fund et al*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17692-94, 17695, paras. 77-83, 86 (2011), *aff'd sub nom. In re: FCC 11-161*, 753, *F3d 1015* (10th Cir. 2014) (defining "voice telephony service" as the supported service and requiring Connect America Fund support recipients to offer broadband as a condition of receiving support).

¹⁰ See Exhibit C (Foshee Affidavit). 12 See 47 U.S.C. §214(e)(1)(A)

1. Voice Grade Access to the PSTN – Tombigbee will meet this requirement through its provision of IP-based voice communications service that is interconnected to the PSTN. This service will include minutes of use for local service provided at no charge to end users (specifically, plans are generally unlimited usage within the U.S.) and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations. Tombigbee also commits to provide toll limitation services to qualifying low-income consumers as provided in §§ 54.400-54.423 of the FCC’s Rules.

Service shall be provided through resale agreements with one or more service providers who have interconnection agreements that enable service to the Tombigbee designated service areas.¹¹ Tombigbee has entered into an agreement with LogicomUSA for inbound and outbound voice telephony services. Tombigbee will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting the Commission’s universal service requirements.

Voice telephony as a standalone service throughout the designated service area will be offered at rates that are reasonably comparable to, or less than, urban rates.

2. Broadband Internet Access Services – Tombigbee’s broadband Internet offering includes 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 enabling the operation of the data and other communications services that the high-speed broadband connection supports. Speeds from 1Mbps to 1Gbps are supported based on the service location and the available transport media. Such service shall not include dial-up service.

Broadband performance obligations shall exceed or comply with the similar reasonable comparability rate certification requirement adopted by the Commission.¹²

Tombigbee further commits to provide these services consistent with the Commission’s high-cost universal service support rules applicable to it.¹³ In addition, Tombigbee will offer Lifeline discounts to qualifying low-income consumers consistent with the Commission’s Lifeline rules in the census blocks where Tombigbee is authorized to receive CAF Phase II

¹¹ 12 See 47 U.S.C. §214(e)(1)(A)

¹² *Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15686-87, para.*

¹³ See 47 CFR § 54.101(c), 54.309.

support.¹⁴ Moreover, Tombigbee will bid on category one telecommunications and Internet access services in response to a posted FCC Form 470 seeking broadband service that meets the connectivity targets for the FCC's E-rate program for eligible schools and libraries located within any area where it will receive CAF support.¹⁵ Any such bid by Tombigbee will be at rates that are reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings.¹⁶

C. Tombigbee Possesses the Financial and Technical Capability to Provide Supported Services

In business since 1941, TEC has full financial capabilities to underwrite its share of construction and start-up expenses to get its proposed fiber optic network built and to continue operations as Tombigbee in the Internet and VoIP business. Tombigbee has already secured \$14,400,000 in lending in the form of term loans directly from CoBank, ACB ("CoBank"), and TEC has in excess of \$3,000,000 available to it from CoBank in short-term lending pursuant to TEC's existing lines of credit. Tombigbee and TEC are able to obtain additional financing if necessary, in addition to the various federal and state grant awards that have been made to it, such as the \$2,980,559 grant awarded to TEC by the Rural Utilities Services under the Community-Oriented Connectivity Broadband Grant program, and the CAF Phase II support being made available to Tombigbee via the Auction 903. Consequently, Tombigbee possesses the financial and technical capability to provide the supported services. Tombigbee incorporates by reference the information and certifications that it is making in its FCC Form 683 long form

¹⁴ See *id.* § 54.101(d); Lifeline and Link Up Reform and Modernization, et al. Third Report and Order Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3974, 4074-75, paras. 35, 311-12 (2016) (requiring all high-cost recipients to meet Lifeline Obligations in all areas where they deploy a network pursuant to a broadband service obligation and are commercially offering qualifying service).

¹⁵ See *id.* §54.309(b).

¹⁶ *Id.*

application CAF Phase II support.¹⁷

D. Tombigbee Will Provide Service Using a Combination of its Own Facilities and Resale of Another Carrier's Services

Tombigbee will be a facilities-based provider of broadband Internet access and interconnected VoIP services. Tombigbee has already constructed more than 425 miles of both transport and distribution fiber and is currently providing broadband Internet access and/or VoIP services to over 3,000 customers. Tombigbee is in the process of expanding its FTTH network through owned and leased network transport where they have the exclusive use of the facilities or bandwidth.¹⁸ Tombigbee shall “offer the services that are supported by Federal universal service support mechanisms under section 254(c); either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”¹⁹ Inbound and outbound services with long-distance, directory service, and 911 routing from LogicomUSA is the third-party option that Tombigbee has selected for VoIP resale.²⁰ On an ongoing basis, Tombigbee will complete reviews of the quality of the voice services to continually qualify their VoIP resale arrangement carrier partner.

E. Tombigbee Will Provide Service Throughout Its Designated Service Area

Tombigbee commits to providing the supported services throughout the Proposed ETC Service Area, consistent with all applicable requirements.

¹⁷ *ETC Process Public Notice* at 5.

¹⁸ *See ETC Public Notice* at 3 (“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.”)

¹⁹ 47 U.S.C. § 214(e)(1)(A) (“offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier)”)

²⁰ LogicomUSA is a technology systems integrator providing HD Voice Solutions to electric cooperative broadband customers through VoIP. *See* LogicomUSA website, accessed at <https://logicomusa.net/>.

F. Tombigbee Will Advertise the Availability of its Service and Charges Using Media of General Distribution.

Tombigbee will advertise the availability of, and the 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.²¹

Tombigbee will offer and advertise its voice and broadband 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, TEC's monthly magazine to its members, bill boards, direct marketing campaigns and/or the Internet.

G. Tombigbee Will Meet the Additional Requirements for Designation as an ETC.

Tombigbee, in accordance with Exhibit C (Foshee Affidavit), further certifies that it will meet all of the Commission's additional requirements for designation as an ETC under §214(e)(6) of the Act.

1. Compliance with Applicable Service and Performance Quality Requirements.

Tombigbee 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.

²¹ 47 U.S.C. § 214(e)(1)(B) ("Advertise the availability of such services and the charges therefore using media of general distribution.")

2. Ability to Remain Functional in Emergency Situations. Tombigbee certifies that its FTTH 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. Tombigbee's FTTH 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

Tombigbee certifies that neither Tombigbee nor any party to this petition is subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the Commission's rules.²²

V. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST

The grant of this petition will clearly serve the public interest by permitting Tombigbee to fulfill the objectives of Auction 903 by bringing low latency, gigabit-speed broadband services to consumers in the 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. Tombigbee's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans....," and will aid the Commission's objective of ensuring that federal universal service support, including CAF Phase II support, is used "efficiently and effectively."

²² 47 CFR § 1.2002; see Exhibit B (Foshee Affidavit).

VI. CONCLUSION

For all of the foregoing reasons, Tombigbee respectfully requests that the Commission designate it as an ETC so that Tombigbee will be eligible for CAF Phase II Support in the Proposed ETC Service Area.

Respectfully submitted,
Tombigbee Communications, LLC

By: /s/ Peter J. Hardin

Peter J. Hardin
Sirote & Permutt, P.C.
2311 Highland Ave S.
Birmingham, AL 35205
205.930.5392

February 22, 2019

EXHIBIT A

LIST OF CENSUS BLOCKS IN WHICH TOMBIGBEE SEEKS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

<u>Census Block</u>	<u>FCC Item</u>	<u>State</u>	<u>County</u>
10570200002006	AL-057-0200002	AL	Fayette
10570200002053	AL-057-0200002	AL	Fayette
10570201001085	AL-057-0201001	AL	Fayette
10570201002104	AL-057-0201002	AL	Fayette
10570201002108	AL-057-0201002	AL	Fayette
10570201003066	AL-057-0201003	AL	Fayette
10570201003091	AL-057-0201003	AL	Fayette
10570201003094	AL-057-0201003	AL	Fayette
10570201003096	AL-057-0201003	AL	Fayette
10570201003102	AL-057-0201003	AL	Fayette
10570201003160	AL-057-0201003	AL	Fayette
10570202003018	AL-057-0202003	AL	Fayette
10570202003098	AL-057-0202003	AL	Fayette
10570203004005	AL-057-0203004	AL	Fayette
10570203004032	AL-057-0203004	AL	Fayette
10570203004036	AL-057-0203004	AL	Fayette
10570203004048	AL-057-0203004	AL	Fayette
10570203004049	AL-057-0203004	AL	Fayette
10570203004050	AL-057-0203004	AL	Fayette
10570203004070	AL-057-0203004	AL	Fayette
10570203005026	AL-057-0203005	AL	Fayette
10750300001051	AL-075-0300001	AL	Lamar
10750300001077	AL-075-0300001	AL	Lamar
10750300001094	AL-075-0300001	AL	Lamar
10750300001110	AL-075-0300001	AL	Lamar
10750300001119	AL-075-0300001	AL	Lamar
10750300002081	AL-075-0300002	AL	Lamar
10750300002192	AL-075-0300002	AL	Lamar
10750300005081	AL-075-0300005	AL	Lamar
10750301001001	AL-075-0301001	AL	Lamar
10750301001011	AL-075-0301001	AL	Lamar
10750301001064	AL-075-0301001	AL	Lamar
10750301001067	AL-075-0301001	AL	Lamar
10750301001076	AL-075-0301001	AL	Lamar
10750301001084	AL-075-0301001	AL	Lamar
10750301001113	AL-075-0301001	AL	Lamar
10750301002010	AL-075-0301002	AL	Lamar

10750301002012	AL-075-0301002	AL	Lamar
10750301003021	AL-075-0301003	AL	Lamar
10750301007040	AL-075-0301007	AL	Lamar
10750301007082	AL-075-0301007	AL	Lamar
10750301007084	AL-075-0301007	AL	Lamar
10750302001003	AL-075-0302001	AL	Lamar
10750302001018	AL-075-0302001	AL	Lamar
10750302002005	AL-075-0302002	AL	Lamar
10750302002006	AL-075-0302002	AL	Lamar
10750302002025	AL-075-0302002	AL	Lamar
10750302002039	AL-075-0302002	AL	Lamar
10750302002068	AL-075-0302002	AL	Lamar
10750302002097	AL-075-0302002	AL	Lamar
10750302002098	AL-075-0302002	AL	Lamar
10750302002100	AL-075-0302002	AL	Lamar
10750302002117	AL-075-0302002	AL	Lamar
10750302002119	AL-075-0302002	AL	Lamar
10750302002121	AL-075-0302002	AL	Lamar
10750302002135	AL-075-0302002	AL	Lamar
10750302002137	AL-075-0302002	AL	Lamar
10750302003005	AL-075-0302003	AL	Lamar
10750302003012	AL-075-0302003	AL	Lamar
10750302003064	AL-075-0302003	AL	Lamar
10750302004033	AL-075-0302004	AL	Lamar
10750302004054	AL-075-0302004	AL	Lamar
10750302004095	AL-075-0302004	AL	Lamar
10750302004129	AL-075-0302004	AL	Lamar
10939640002016	AL-093-9640002	AL	Marion
10939640005029	AL-093-9640005	AL	Marion
10939641003142	AL-093-9641003	AL	Marion
10939642001042	AL-093-9642001	AL	Marion
10939642001044	AL-093-9642001	AL	Marion
10939642001058	AL-093-9642001	AL	Marion
10939642001066	AL-093-9642001	AL	Marion
10939642001208	AL-093-9642001	AL	Marion
10939643001005	AL-093-9643001	AL	Marion
10939643001104	AL-093-9643001	AL	Marion
10939643001112	AL-093-9643001	AL	Marion
10939644001172	AL-093-9644001	AL	Marion
10939644001198	AL-093-9644001	AL	Marion
10939644001205	AL-093-9644001	AL	Marion
10939644002028	AL-093-9644002	AL	Marion
10939644002044	AL-093-9644002	AL	Marion

10939644002092	AL-093-9644002	AL	Marion
10939644002093	AL-093-9644002	AL	Marion
10939644002107	AL-093-9644002	AL	Marion
10939644003044	AL-093-9644003	AL	Marion
10939644004052	AL-093-9644004	AL	Marion
10939644004086	AL-093-9644004	AL	Marion
10939644004087	AL-093-9644004	AL	Marion
10939644004114	AL-093-9644004	AL	Marion
10939644004122	AL-093-9644004	AL	Marion
10939645001054	AL-093-9645001	AL	Marion
10939645001055	AL-093-9645001	AL	Marion
10939645001082	AL-093-9645001	AL	Marion
10939645003034	AL-093-9645003	AL	Marion
10939646001089	AL-093-9646001	AL	Marion
10939646001161	AL-093-9646001	AL	Marion
10939646002079	AL-093-9646002	AL	Marion
10939646003030	AL-093-9646003	AL	Marion
10939646003076	AL-093-9646003	AL	Marion
10939646003130	AL-093-9646003	AL	Marion
11339658002014	AL-133-9658002	AL	Winston

EXHIBIT B

**APSC LETTER DEFERRING JURISDICTION OVER TOMBIGBEE'S ETC PETITION
TO THE COMMISSION**

(See Attached)



STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION
P. O. BOX 304260
MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

February 20, 2019

Peter J. Hardin
Attorney at Law
SIROTE & PERMUTT, PC
2311 Highland Avenue South
Birmingham, Alabama 35205

Re: Tombigbee Communications, LLC Carrier Certification Request

Dear Mr. Hardin:

By application filed with this Commission on February 19, 2019, Tombigbee Communications, LLC ("Tombigbee"), seeks the Commission's recommendation that it be designated an eligible telecommunications carrier ("ETC") by the Federal Communications Commission ("FCC"). Following a thorough review, however, we find that this Commission has no statutory authority over the services provided by Tombigbee. Per FCC Public Notice, DA 18-714, released July 10, 2018:

Congress gives primary authority for ETC designations to state commissions. The FCC has authority only when "a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission." The FCC places the burden of proof upon the petitioner seeking an FCC ETC designation to demonstrate that the FCC has jurisdiction. (par. 3)

This letter confirms that the Alabama Public Service Commission lacks jurisdiction over the telecommunications services currently provided by Tombigbee and, therefore, defers to the FCC consideration of Tombigbee's request for ETC certification. The enclosed payment which accompanied your application is, therefore, being returned to you.

Respectfully,

A handwritten signature in black ink, appearing to read "John A. Garner", is written over a horizontal line.

John A. Garner
Executive Director

c: Walter L. Thomas, Jr., Secretary
Darrell A. Baker, Utility Services Div.

EXHIBIT C

**AFFIDAVIT OF STEVE F. FOSHEE
PRESIDENT AND CHIEF EXECUTIVE OFFICER OF TOMBIGBEE ELECTRIC
COOPERATIVE, THE SOLE MEMBER OF TOMBIGBEE COMMUNICATIONS, LLC**

(See Attached)

AFFIDAVIT OF STEVE F. FOSHEE

STATE OF ALABAMA)
) SS.
COUNTY OF HAMILTON)

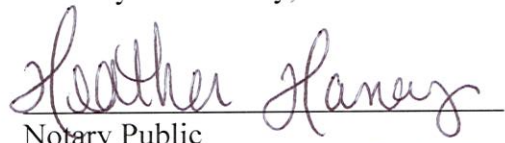
Steve F. Foshee, after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am the President and Chief Executive Officer of Tombigbee Electric Cooperative, the sole member of Tombigbee Communications, LLC ("Tombigbee"). Acting on behalf of Tombigbee, I have read the Petition to which this Affidavit is attached. I have knowledge of the facts stated in the Petition and those facts are true to the best of my knowledge and belief.
3. Tombigbee certifies that it is a common carrier under Sections 214(e)(1) and 214(e)(6) of the Communications Act of 1934, as amended ("Act").
4. Tombigbee commits to provide the services and functionalities required for designation as an Eligible Telecommunications Carrier in the Census Blocks described in the Petition.
5. Tombigbee certifies that it will meet all of the Commission's requirements for designation as an ETC under Section 214(e)(6) of the Act.
6. I am the corporate officer of the sole member of Tombigbee that will be responsible for certifying Tombigbee's use of federal high-cost support.
7. Tombigbee will use the federal high-cost support that it receives only to provide, construct, upgrade, and maintain the facilities and services for which the support is intended.
8. Tombigbee certifies that neither it nor any party to its application is subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the Commission's rules.



Steve F. Foshee
President and Chief Executive Officer of
Tombigbee Electric Cooperative, the sole member
of Tombigbee Communications, LLC

Subscribed and Sworn to before me this
22nd day of February, 2019



Notary Public

My Commission expires: Oct 2021