



VIA ECFS

April 30, 2021

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Rural Digital Opportunity Fund Auction, AU Docket No. 20-34; Rural Digital Opportunity Fund, WC Docket No. 19-126; Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

The Ensuring RDOF Integrity Coalition (“ERIC”)¹ submits this ex parte letter to support prior requests that the Federal Communications Commission (“FCC” or “Commission”) expeditiously release a Public Notice that lists Rural Digital Opportunity Fund (“RDOF”) Phase I census block groups (“CBGs”) on which provisional winning bidders have defaulted.

On April 23, 2021, the New Mexico Public Regulation Commission (“NMPRC”) disclosed that AMG Technology Investment Group DBA Nextlink Internet (“Nextlink”) is no longer seeking eligible telecommunications carrier (“ETC”) status in New Mexico because Nextlink determined that it would be “relinquishing” (*i.e.*, defaulting on) the New Mexico census blocks it had won in Auction 904.² Significantly, the reason provided by Nextlink for its default is its determination that:

...the small amount of assigned support for the small number of locations in these census blocks will be insufficient in relation to the costs of buildout and compliance over the 10-year term. It is therefore not economically prudent for Nextlink Internet to move forward with respect to the above-listed census blocks.³

ERIC is aware that following the RDOF reverse auction, some winning bidders may have defaulted on a few selective locations or census blocks within certain CBGs. In this case, however, Nextlink will effectively abandon its RDOF commitment throughout the *entire* State of

¹ ERIC is a coalition consisting of rural broadband providers, rural Americans, and local government officials who have joined together to work to ensure that the Federal Communications Commission’s Rural Digital Opportunity Fund proceeding will result in timely broadband service to rural America.

² *In The Matter of ETC Designations for Federal Rural Digital Opportunity Fund Grantees*, Docket No. 21-00016-UT, *Notice of Filing of April 23, 2021 Email and Attachment from Steve Coran Regarding AMG Technology Investment Group / Nextlink Internet* (April 23, 2021), available at the NMPRC’s eDocket System via public [webquest](#) access (attached as Exhibit 1).

³ Letter to Marlene H. Dortch, Secretary, Federal Communications Commission from Ted B. Osborn, SVP, Strategy & Regulatory Affairs, AMG Technology Investment Group LLC dba Nextlink Internet (Undated, but reportedly emailed to FCC on April 23, 2021).

New Mexico *after* submitting its long-form application. Nextlink has now determined that its Auction 904 winning bids of \$75,554.00 for 265 locations within the state would be “insufficient in relation to the costs of buildout and compliance” and therefore “not economically prudent.” Each of these 265 locations represents households, families, businesses, workers, and visitors who no longer can expect to have high-speed broadband service that had been promised by Nextlink through its bids in the RDOF Phase I auction.

ERIC is aware anecdotally that other such defaults exist. Until the Commission actually announces defaults such as the one disclosed in Nextlink’s NMPRC filing, the public remains unaware of the specific defaulted locations that will go unfunded and unserved. Worse yet, other federal, as well as local and state, funding sources will be unaware of these defaults and will not make funding available to locations in those RDOF areas. Nextlink’s default in New Mexico is not an isolated instance, and the longer this information remains hidden from the public the longer it will take for these locations to receive service.

As time marches on and other broadband funding sources become available, it becomes more critical for the Commission to issue a Public Notice listing CBGs that are already in default to clearly establish that the locations in these CBGs will not receive RDOF funding and be eligible for funding from other programs. ERIC renews its request for the FCC to publish the default list.

Accordingly, because not all winning bidders will voluntarily default upfront as Nextlink has done, the Commission should allow a public review process (with a protective order in place) to ensure that the largest Auction 904 provisional winners have the technical, financial, managerial, and operational skills, and necessary resources to provide their promised RDOF-supported services. ERIC urges the Commission to grant its Informal Request for Commission Action in this regard.

Respectfully submitted,

/s/ Caressa D. Bennet

Caressa D. Bennet
Michael R. Bennet
Robert A. Silverman
E. Alex Espinoza

Attorneys for Ensuring RDOF Integrity Coalition

Sullivan-Leshin, Isaac, PRC

From: Sullivan-Leshin, Isaac, PRC
Sent: Friday, April 23, 2021 3:00 PM
To: 'prc.records@state.nm.us'
Subject: 21-00016-UT; Filing Submission
Attachments: 21-00016-UT, Notice of Filing of April 23, 2021 Email and Attachment from Steve Coran Regarding AMG Technology Investment Group-Nextlink Internet.pdf

IN THE MATTER OF ETC DESIGNATIONS FOR FEDERAL RURAL)
DIGITAL OPPORTUNITY FUND GRANTEEES) Docket No. 21-00016-UT
_____)

Please file the attached NOTICE OF FILING OF APRIL 23, 2021 EMAIL AND ATTACHMENT FROM STEVE CORAN REGARDING AMG TECHNOLOGY INVESTMENT GROUP / NEXTLINK INTERNET into the above captioned case.

Thank you.

Isaac Sullivan-Leshin
Paralegal for Office of General Counsel



New Mexico Public Regulation Commission
PO Box 1269
Santa Fe, New Mexico 87504-1269
isaac.sullivan-leshin@state.nm.us
Phone: (505) 670-4830

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF ETC DESIGNATIONS FOR)
FEDERAL RURAL DIGITAL OPPORTUNITY FUND) Docket No. 21-00016-UT
GRANTEES)**

**NOTICE OF FILING OF APRIL 23, 2021 EMAIL AND ATTACHMENT FROM STEVE
CORAN REGARDING AMG TECHNOLOGY INVESTMENT GROUP / NEXTLINK
INTERNET**

NOTICE IS HEREBY GIVEN that the following attached **April 23, 2021 Email and Attachment from Steve Coran Regarding AMG Technology Investment Group / Nextlink Internet** will be placed in the New Mexico Public Regulation Commission's official file in Case 21-00016-UT. The Notice will be sent to all those shown on the following attached Certificate of Service.

DATED this 23rd day of April, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

Isaac Sullivan-Leshin, Paralegal

Isaac.sullivan-leshin@state.nm.us

Sullivan-Leshin, Isaac, PRC

From: Coran, Steve <SCoran@lermansenter.com>
Sent: Friday, April 23, 2021 11:24 AM
To: Ripperger, Mike, PRC; Sullivan-Leshin, Isaac, PRC
Cc: Ted Osborn
Subject: [EXT] AMG Technology Investment Group LLC
Attachments: AMG Nextlink Letter.pdf

Attached is a letter that AMG Technology Investment Group LLC dba Nextlink Internet forwarded to the FCC today indicating that it will not be moving forward with its RDOF application for the New Mexico census blocks where it was the auction winner. Accordingly, Nextlink Internet will not be seeking ETC designation in New Mexico. We apologize for the late notice.

Please let me know if you have any questions. Thank you.

Stephen E. Coran

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LermanSenter



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Via Email to auction904@fcc.gov

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: AMG Technology Investment Group LLC dba Nextlink Internet
Auction 904

Dear Ms. Dortch:

This letter provides notice that AMG Technology Investment Group LLC dba Nextlink Internet will be relinquishing its census blocks in the State of New Mexico. The list of census blocks is attached.

Nextlink Internet has determined that the small amount of assigned support for the small number of locations in these census blocks will be insufficient in relation to the costs of buildout and compliance over the 10-year term. It is therefore not economically prudent for Nextlink Internet to move forward with respect to the above-listed census blocks. Nextlink Internet has filed and is prosecuting a long-form application for the other census blocks assigned to it in other states.

Please contact me if you have any questions concerning this matter. Thank you.

Respectfully submitted,

/s/ Ted B. Osborn

Ted B. Osborn

SVP, Strategy & Regulatory Affairs

Attachment

Ted B. Osborn
SVP, Strategy & Regulatory Affairs



M: 303.817.5732

<u>State</u>	<u>County</u>	<u>CBG</u>	<u>CB</u>
NM	Santa Fe	350490103112	350490103112000
NM	Santa Fe	350490103112	350490103112006
NM	Santa Fe	350490103112	350490103112007
NM	Santa Fe	350490103112	350490103112008
NM	Santa Fe	350490103112	350490103112010
NM	Santa Fe	350490103112	350490103112011
NM	Santa Fe	350490103112	350490103112012
NM	Santa Fe	350490103112	350490103112021
NM	Santa Fe	350490103112	350490103112029
NM	Santa Fe	350490103112	350490103112030
NM	Santa Fe	350490103112	350490103112031
NM	Santa Fe	350490103112	350490103112032
NM	Santa Fe	350490103112	350490103112035
NM	Santa Fe	350490103112	350490103112036
NM	Santa Fe	350490103112	350490103112037
NM	Santa Fe	350490103112	350490103112038
NM	Santa Fe	350490103112	350490103112039
NM	Santa Fe	350490103112	350490103112040
NM	Santa Fe	350490103112	350490103112041
NM	Santa Fe	350490103112	350490103112042
NM	Santa Fe	350490103112	350490103112043
NM	Santa Fe	350490103112	350490103112044
NM	Santa Fe	350490103112	350490103112048
NM	Santa Fe	350490103112	350490103112051
NM	Santa Fe	350490103112	350490103112059
NM	Santa Fe	350490103112	350490103112061
NM	Santa Fe	350490103112	350490103112063
NM	Santa Fe	350490103112	350490103112064
NM	Santa Fe	350490103112	350490103112065
NM	Santa Fe	350490103112	350490103112069
NM	Santa Fe	350490103112	350490103112070
NM	Santa Fe	350490103112	350490103112071
NM	Santa Fe	350490103112	350490103112072
NM	Santa Fe	350490103112	350490103112077
NM	Santa Fe	350490103112	350490103112080
NM	Santa Fe	350490103112	350490103112086
NM	Santa Fe	350490103112	350490103112087
NM	Santa Fe	350490103112	350490103112088
NM	Santa Fe	350490103112	350490103112095
NM	Santa Fe	350490103112	350490103112098
NM	Santa Fe	350490103112	350490103112100
NM	Santa Fe	350490103112	350490103112103
NM	Santa Fe	350490103112	350490103112107
NM	Santa Fe	350490103112	350490103112111
NM	Santa Fe	350490103112	350490103112114
NM	Santa Fe	350490103112	350490103112116

NM	Santa Fe	350490103112	350490103112117
NM	Santa Fe	350490103112	350490103112126
NM	Santa Fe	350490103112	350490103112128
NM	Santa Fe	350490103112	350490103112129
NM	Santa Fe	350490103112	350490103112132
NM	Santa Fe	350490103112	350490103112144
NM	Santa Fe	350490103112	350490103112145
NM	Santa Fe	350490103112	350490103112149
NM	Santa Fe	350490103112	350490103112166

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF ETC DESIGNATIONS FOR)
FEDERAL RURAL DIGITAL OPPORTUNITY FUND) Docket No. 21-00016-UT
GRANTEES)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Filing of April 23, 2021 Email and Attachment from Steve Coran Regarding AMG Technology Investment Group / Nextlink Internet** was sent via email to the following parties on the date indicate below:

2Talk, LLC	wayne@2talk.com ;
365 Wireless, LLC	jrabig@fastekteam.com ;
4Voice, LLC	harold@4voice.net ;
800 Response Information Services LLC	kimbvt@bacavalley.com ;
8x8, Inc.	regulatorytax@8x8.com ;
Access One, Inc.	jmay@accessoneinc.com ;
Access Point, Inc.	mark@csilongwood.com ;
Access Technologies, Inc.	carl@lobo.net ;
Access Technologies, Inc.	accounting@atisw.com ;
Accessline Communications Corp	NewMexico@csilongwood.com ;
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AP
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AT&T Corp.
Avaya Cloud Inc. fka Zang Inc.
Axia Technology Partners, LLC
Bandwidth.com, Inc.
Barking Dog Comms. LLC
BCN Telecom Inc
Big River Telephone Company
Bill Templeman
Blue Ocean Technologies
Bobby Ferris
Brad Ellsworth
Brandon Porter
Brian Gilbert
Broadsmart Global, Inc.
Broadsoft Adaption, Inc.
Broadview Networks, Inc
Broadwing Communications, LLC.
Bryan Catanach
BT Americas Inc.
Bullseye Telecom., Inc.
Business Ntwk Long Distance
Business Ntwk Long Distance, Inc
Cable One
Callcatchers Inc/Freedom Voice
Carl Erhart
Carla Najjar
Carol Clifford
Carousel Industries of North America, Inc.
Catherine Hannan
Catherine Nicolaou
Cebridge Acquisition LP
Cebridge Acquisition LP d/b/a Suddenlink Communications
Cellco Partnership
Central Valley Electric
CenturyLink Comms., LLC
Centurytel of the Southwest- NM
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Charles A. Hudak
Charles Ferrell
Charles Garcia
Charles Mulcock
Charles T. Pinson
Charter FCC
Cherie Kiser
Cherie R. Kiser
Cheryl C. Powers
Chicago Business VoIP, LLC
Cholla Khoury
Chris Barron
Christina Ward
Chuck Moore
Cincinnati Bell Any Distance, Inc.
Cintex Wireless, LLC
Claro Enterprise Solutions, LLC
CloudCall, Inc. fka Synety, Inc.
Columbus Electric
Comcast OTR1, LLC
Comcast Phone of New Mexico, LLC
Commnet Wireless, LLC
Computer & Network Paramedics, Inc dba G02 Tech
Comtech 21, LLC
Conexon
ConnectMe, LLC

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Consumer Cellular Inc
Conterra Ultra Broadband
Conterra Ultra Broadband, LLC
Continental Divide Electric
Convergia, Inc.
Corina Sandoval
Cory Garone
Courtney Spears
Covoda Comms., Inc.
Crexendo Business Solutions
Cricket Wireless, LLC
Crown Castle Fiber LLC
Custom Teleconnect, Inc.
Cyber Mesa Computer Systems Inc
Cytracom, LLC
D. Alel
D. James
Dale Snider
Dallas MTA LP
Daniel Davis
Daniel Gonzalez
Daniel Meszler
Daniel Najjar
Danny Gray
Darneshia Smith
DataBytes, Inc.
David Robinson
David Spradlin
David Ziegler
Delcom, Inc.
Denise Barrera
Denta!Tek, LLC
Dialpad, Inc.
Digium Cloud Services, LLC
Dish Wireless LLC
dishNET Wireline L.L.C.
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Doug Kitch
DP Access, LLC
DSI-ITI, LLC
Duncan Valley Electric
Earthlink, LLC
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Excellus Communications, LLC d/b/a Snapfon
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Fonality Inc.
France Telecom Corporate Solutions LLC
FreedomPop
Frontier Communications of America, Inc
Fusion Cloud Company, LLC
Fuze fka Thinking Phone Networks, Inc.
G. Cookman
Gary Roulet
Gayle Gouker
Gene DeJordy
George Clark
George Thomson
Gideon Elliot
Gil Arviso
Gilbert Fuentes
Gina Gargano-Amari
Glo Tell US Corp. dba V-Tell
Global Connection Inc. of America
Global Tel*Link Corp.
Globalstar USA LLC
GoDaddy.com,LLC
Godfrey Enjady
Google North America Inc. dba Project Fi by Google
Granite Telecommunications
Greenfly Networks Inc dba Clearfly
GreenFly Networks Inc dba Clearfly Communications
GRNLK Corp d/b/a GreenLink Networks
Hans Muller
Herve Andrieu
Holdings, Inc.
Ian Brumana
iCommerce Services, Inc. db Gymphone
iCore Networks, Inc.
IDS Metrocom LLC
IDT America Corp
inContact, dba UCN, Inc.
inContact, Inc., d/b/a UCN, Inc.
Inmate Calling Solutions, LLC
Integrated Services, Inc
Intellicall Operator Services, Inc.
Interface Security Systems,LLC
Intermedia Voice Services, Inc.
IP Networked Services
ISC, Inc. aka Venture Technologies
iTalk Global Comms., Inc.
iTalk Global Communications, Inc.
ITC Global Networks, LLC
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Network Billing Systems, LLC
Network Comms. Int'l Corp.
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NetworkIP, LLC
New Horizons Comms. Corp.
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Norcell, LLC
Norstar Telecom., LLC
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DATED this 23rd day of April, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

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