

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
All Points Northern Neck, 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, as amended )  
  
To: Chief, Wireline Competition Bureau

**PETITION FOR ELIGIBLE  
TELECOMMUNICATIONS CARRIER DESIGNATION**

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), and Section 54.202 of the rules of the Federal Communications Commission (“Commission”), All Points Northern Neck, LLC (“All Points”) respectfully requests designation as an eligible telecommunications carrier (“ETC”) for a service area containing 1,299 census blocks (7,670 locations) in the Commonwealth of Virginia.<sup>1</sup> All Points is obligated to obtain ETC designation status within 180 days of the *RDOF Phase I Auction Closing Public Notice*,<sup>2</sup> and therefore requests expeditious action so that it may meet this requirement.

**I. INTRODUCTION AND SUMMARY**

On December 7, 2020, the Commission announced the winning bidders for the Rural Digital Opportunity Fund (“RDOF”) Phase I auction (Auction 904).<sup>3</sup> Virginia Everywhere, LLC (“VE”) is a member of the NRTC Phase I RDOF Consortium (“Consortium”) that was

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<sup>1</sup> A list of the census blocks is attached as Exhibit A.

<sup>2</sup> See 47 CFR § 54.804(b)(5).

<sup>3</sup> Public Notice, *Rural Digital Opportunity Fund Phase I (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021*, DA 20-1422 (rel. Dec. 7, 2020)] (“*RDOF Phase I Auction Closing Public Notice*”).

announced as a winning bidder for a total of 7,670 locations in the Commonwealth of Virginia with a total support amount of \$11,878,740.80. VE is the holding company for All Points. On December 21, 2020, the Consortium timely notified the Commission that it would be dividing its winning bids, and identified All Points, as the operating company for VE, to be the entity that would file the Form 683 long-form application for the census blocks listed on Exhibit A.<sup>4</sup>

All Points is based in Virginia and provides fixed broadband services to residential and business customers using fixed wireless and fiber technologies. All Points is a facilities-based broadband and voice provider that focuses on serving rural and remote areas in Virginia, Maryland, West Virginia and Kentucky. With its RDOF support, All Points will construct and operate a new state-of-the-art fiber optic network to provide 1 Gbps/500 Mbps voice and high-speed broadband Internet access services to the designated census blocks.

As discussed in more detail below, the Wireline Competition Bureau (“Bureau”) has authority to grant All Points’ petition for ETC designation pursuant to Section 214(e)(6) of the Act, and All Points meets all of the statutory and regulatory requirements for ETC designation.

## **II. THE COMMISSION HAS AUTHORITY TO GRANT THE ETC DESIGNATION REQUESTED BY ALL POINTS**

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.”<sup>5</sup> On a number of occasions, the Bureau has stated that “[i]f a state law expressly articulates that it does not have

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<sup>4</sup> See Public Notice, *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020*, AU Docket No. 20-34 and WT Docket Nos. 19-126 and 10-90, DA 20-77 (rel. June 11, 2020) (“*Auction Procedures Public Notice*”), at 88-89.

<sup>5</sup> 47 U.S.C. § 214(e)(6).

jurisdiction over a relevant type of technology, Commission staff would consider such a statute relevant in its determination of Commission jurisdiction.”<sup>6</sup>

The Commonwealth of Virginia has expressly declined jurisdiction over interconnected voice, the supported service. Section 56-1.3 of the Code of Virginia provides in part that “[t]he [Virginia] Commission shall not have jurisdiction with respect to the regulation of Voice-over-Internet-Protocol service, including but not limited to the imposition of regulatory fees, certification requirements, and the filing or approval of tariffs.”<sup>7</sup> Consistent with this Code provision, the Bureau has previously determined in the *BARConnects ETC Order* and the *Sunset Digital ETC Order* that Virginia lacks statutory authority to designate All Points as an ETC. Given the requirement that All Points obtain ETC status within 180 days of the *RDOF Phase I Auction Closing Public Notice*, All Points urges the Bureau to act expeditiously on this request for ETC designation.

### **III. ALL POINTS MEETS THE STATUTORY AND REGULATORY REQUIREMENTS TO BE DESIGNATED AS AN ETC**

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

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<sup>6</sup> 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 and 10-90, DA 18-714 (rel. Jul. 10, 2018) (“*ETC Process Public Notice*”), at 2; *Telecommunications Eligible for Universal Service Support*, Order, 34 FCC Rcd 7157, 7160 n.26 (WTB 2019) (“*Sunset Digital ETC Order*”).

<sup>7</sup> Va. Code Ann. § 56-1.3. See also *Application of BARConnects, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e)*, Case No. PUC-2015-00015, Order (Virginia State Corporation Comm., Mar. 30, 2015) (noting that Virginia SCC has not asserted jurisdiction over service providers like BARConnects, and that BARConnects should seek designation from the FCC); *Telecommunications Eligible for Universal Service Support*, Order, 30 FCC Rcd 10233, 10237 (WTB 2015) (“*BARConnects ETC Order*”).

A. All Points Will Provide Service as a Common Carrier

In the census blocks where All Points receives ETC designation, All Points will provide interconnected Voice over Internet Protocol (“VoIP”) service on a common carrier basis. As such, with respect to the interconnected VoIP services it plans to deploy in the designated census blocks, All Points certifies that it is a common carrier under Section 214(e)(1) and 214(e)(6) of the Act.<sup>8</sup>

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

For RDOF Phase I support recipients, the Commission defines the supported service as qualifying voice service and conditions grant of funding on the offering of qualifying broadband service.<sup>9</sup> As described below, All Points certifies that it will provide the following services that are supported by the federal universal service support mechanisms.<sup>10</sup>

1. *Voice Grade Access to the PSTN* – All Points will offer interconnected VoIP service on a standalone basis through a wholesale agreement with a third party provider.<sup>11</sup> All Points will be legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting the Commission’s universal service requirements.

This service will include minutes of use for local service provided at no charge to end users (specifically, All Points’ service plans will offer unlimited usage within the U.S.) and access to emergency services via 911 or E-911. All Points will not distinguish between the pricing of toll and non-toll calls in the pricing of its voice service, and accordingly it is not obligated to provide toll limitation services to qualifying low-income consumers.<sup>12</sup>

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<sup>8</sup> See Exhibit B (Declaration of James G. Carr, CEO, All Points Northern Neck, LLC) (“Carr Affidavit”).

<sup>9</sup> 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 (10<sup>th</sup> Cir. 2014) (defining “voice telephony service” as the supported service and requiring high-cost support recipients to offer broadband as a condition of receiving support).

<sup>10</sup> See Exhibit B (Carr Affidavit).

<sup>11</sup> See *ETC Process Public Notice* at 3-4.

<sup>12</sup> 47 CFR § 54.401(c).

2. *Broadband Internet Access Services* – All Points’ broadband Internet offering will 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.

All Points initially plans to offer Internet service at speeds of 1 Gbps/500 Mbps for \$149.99 per month. All Points initially plans to offer standalone voice telephony for \$35.99 per month. Pricing will maintain compliance with the Commission’s annual rate surveys.<sup>13</sup>

All Points commits to provide these services consistent with the Commission’s high-cost universal service support rules applicable to it.<sup>14</sup>

In addition, All Points will offer Lifeline discounts to qualifying low-income consumers consistent with the Commission’s Lifeline rules in the census blocks where All Points is authorized to receive RDOF Phase I support.<sup>15</sup>

All Points possesses the financial and technical capability to provide the supported services. All Points incorporates by reference the information and certifications that it is making in its FCC Form 683 long form application for RDOF Phase I support.<sup>16</sup>

All Points certifies that it will comply with the service and performance quality requirements for RDOF Phase I support.<sup>17</sup> All Points further certifies that its fiber optic network will have the ability to remain functional in emergency situations, it has a reasonable amount of back-up power to ensure functionality without an external power source consistent with Commission rules, will be able to reroute traffic around damaged facilities, and will be capable

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<sup>13</sup> See, e.g., Public Notice, *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*, DA 20-1409 (rel. Nov. 30, 2020). See also *ETC Process Public Notice* at 3-4.

<sup>14</sup> See 47 CFR §§ 54.101(c), 54.805.

<sup>15</sup> 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 (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).

<sup>16</sup> *ETC Process Public Notice* at 5.

<sup>17</sup> See 47 CFR § 54.805. See also *ETC Process Public Notice* at 5.

of managing traffic spikes resulting from emergency situations.<sup>18</sup> All Points' fiber optic network will support telephone service using Session Initiation Protocol-based VoIP technology and will support all phone features, including 911 services.

C. All Points Will Provide Service Using a Combination of Its Own Facilities and Resale

Consistent with Section 214(e) of the Act, All Points will offer, throughout its supported areas, services through "a combination of its own facilities and resale of another carrier's services."<sup>19</sup> As stated above, All Points will resell interconnected VoIP services provide by a third party and offer interconnected VoIP service to its end user customers.

D. All Points Will Provide Service Throughout Its Designated Service Area

All Points commits to providing the supported services throughout its ETC designated service area, consistent with all applicable requirements. All Points' requested ETC designated service area is limited to the census blocks identified in Exhibit A.

E. All Points Will Advertise the Availability of Its Services and Charges Using Media of General Distribution

All Points 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. All Points will offer and advertise its voice and broadband services through its web page, social media and other outlets such as radio, newspapers, television, web sites. and community events.

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<sup>18</sup> See *ETC Process Public Notice* at 5 n.36.

<sup>19</sup> 47 U.S.C. § 214(e).

#### IV. ANTI-DRUG ABUSE CERTIFICATION

All Points certifies that neither the petitioner nor any party to the 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.<sup>20</sup>

#### V. CONCLUSION

For all the foregoing reasons, All Points respectfully requests that the Bureau designate it as an ETC so that All Points will be eligible for RDOF Phase I support in the Virginia census blocks listed in Exhibit A.

Respectfully submitted,

**ALL POINTS NORTHERN NECK, LLC**

By: /s/ Stephen E. Coran  
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December 23, 2020

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<sup>20</sup> 47 CFR § 1.2002; see Exhibit B (Carr Affidavit).

**EXHIBIT A**

**LIST OF CENSUS BLOCKS IN WHICH ALL POINTS SEEKS  
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**



block_id	cbg_id	county_name
510990401001083	510990401001	King George
510990401001004	510990401001	King George
510990401001006	510990401001	King George
510990401001008	510990401001	King George
510990401001018	510990401001	King George
510990401001036	510990401001	King George
510990401001037	510990401001	King George
510990401001042	510990401001	King George
510990401001048	510990401001	King George
510990401001049	510990401001	King George
510990401001054	510990401001	King George
510990401001055	510990401001	King George
510990401001056	510990401001	King George
510990401001057	510990401001	King George
510990401001059	510990401001	King George
510990401001065	510990401001	King George
510990401001074	510990401001	King George
510990401001080	510990401001	King George
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510990405001068	510990405001	King George
510990405001069	510990405001	King George
510990405001070	510990405001	King George
510990405001072	510990405001	King George
510990405001075	510990405001	King George
510990405001076	510990405001	King George
510990405001077	510990405001	King George
510990405001082	510990405001	King George
510990405001083	510990405001	King George
510990405001087	510990405001	King George
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510990405002006	510990405002	King George
510990405002010	510990405002	King George
510990405002012	510990405002	King George
510990405002014	510990405002	King George
510990405002038	510990405002	King George
510990405002047	510990405002	King George
510990405002048	510990405002	King George
510990405002052	510990405002	King George
510990405002053	510990405002	King George
510990405002057	510990405002	King George

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510990401001092	510990401001 King George
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510990402002010	510990402002 King George
510990402002011	510990402002 King George
510990402002018	510990402002 King George
510990402002022	510990402002 King George
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510990403001003	510990403001 King George
510990403001004	510990403001 King George
510990403001005	510990403001 King George
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510990403001007	510990403001 King George
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510990403001009	510990403001 King George
510990403001010	510990403001 King George
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510990403001027	510990403001 King George
510990403001028	510990403001 King George
510990403001047	510990403001 King George
510990403001065	510990403001 King George
511019502002012	511019502002 King William
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511019502002019	511019502002 King William
510990403001076	510990403001 King George
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511019502002021	511019502002 King William
511019502002023	511019502002 King William
511019502002024	511019502002 King William
511019502002027	511019502002 King William
511019502002028	511019502002 King William
511019502002030	511019502002 King William
511019502002031	511019502002 King William
511019502002039	511019502002 King William
511019502002041	511019502002 King William
511019502002042	511019502002 King William

511019502002044	511019502002 King William
511019502002047	511019502002 King William
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511019502002052	511019502002 King William
511019502002054	511019502002 King William
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511019502002238	511019502002 King William
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511030301001019	511030301001 Lancaster
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511030303004100	511030303004 Lancaster
511030303004101	511030303004 Lancaster
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**EXHIBIT B**

**AFFIDAVIT OF JAMES G. CARR  
CEO OF ALL POINTS NORTHERN NECK, LLC**

## AFFIDAVIT

Commonwealth of Virginia

City of Richmond

James G. Carr, 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 CEO of All Points Northern Neck, LLC (“All Points”). Acting on behalf of All Points, 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. All Points 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. All Points commits to provide the services and functionalities required for designation as an Eligible Telecommunications Carrier in the Census Blocks described in the Petition.
5. All Points certifies that it will meet all the Commission’s requirements for designation as an ETC under Section 214(e)(6) of the Act.
6. I am the corporate officer that will be responsible for certifying All Points’ use of federal high-cost support.
7. All Points will use the federal high-cost support that it receives only to provide, construct, upgrade and maintain facilities and services for which the support is intended.

8. All Points 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.



James G. Carr  
CEO  
All Points Northern Neck, LLC

*Commonwealth of Virginia  
City of Richmond*

Subscribed and Sworn to before  
me this 22 day of December, 2020

*Wendy Rae Hevener Briskman*

Notary Public

My Commission Expires: May 31, 2024

*257167*

