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April 22, 2015

**Via Hand Delivery**

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

Re: Petition of BARConnects, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia

Dear Secretary Dortch:

Please find enclosed for filing the Petition of BARConnects, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia.

BARConnects, LLC seeks confidential treatment for its financial and technical information pursuant to 47 C.F.R. §§ 0.457 and 0.459. A redacted version of the petition is also being filed on this date via the FCC's Electronic Comment Filing System. In addition, attached is a letter requesting confidential treatment under 47 C.F.R. §§ 0.457 and 0.459 of BARConnects, LLC's Five-Year Plan.

Please do not hesitate to contact me if you have any questions or I may be of any assistance.

Sincerely,

**DYKEMA GOSSETT PLLC**

A handwritten signature in blue ink that reads "Shannon M. Heim". The signature is fluid and cursive, written over a light blue circular stamp.

Shannon M. Heim

SMHE/eb1  
Enclosures



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445 12th Street SW  
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Re: Petition of BARConnects, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia

Dear Secretary Dortch:

Pursuant to 47 C.F.R. §§ 0.457 and 0.459, BARConnects, LLC, by its attorneys, hereby requests that certain materials and information be withheld from public inspection. Specifically, BARConnects, LLC requests confidential treatment of the Five-Year Network Improvement Plan (the "Plan") and the map of its proposed build out (the "Map") attached to its Petition for Designation as an Eligible Telecommunications Carrier.

In support of its request for confidential treatment and pursuant to the requirements under 47 C.F.R. § 0.459(b), BARConnects, LLC states the following:

1. *Identification of the specific information for which confidential treatment is sought.*

BARConnects, LLC seeks confidential treatment of the Five Year Plan and the map of its proposed build out attached to the Petition for Designation as an Eligible Telecommunications Carrier accompanying this letter. The Plan and Map contain sensitive financial information about BARConnects, LLC as well as information about BARConnects, LLC's projected network improvements and upgrades for voice and broadband services during the period from 2015 through 2019.



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2. *Identification of the Commission proceeding in which the information was submitted or description of the circumstances giving rise to the submission.*

The documents are being submitted as part of the Rural Broadband Experiments. BARConnects, LLC was provisionally selected to receive Rural Broadband Experiment Funding on March 4, 2015.<sup>1</sup>

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.*

The data described is highly confidential and sensitive commercial and financial information which constitutes trade secrets or sensitive commercial and financial information that would “customarily be guarded from competitors”<sup>2</sup> and is therefore exempted from mandatory disclosure under FOIA Exemption 4 and 47 C.F.R. § 0.457(d).<sup>3</sup>

4. *Explanation of the degree to which the information concerns a service that is subject to competition.*

The Plan and Map relate to voice and broadband services provided by BARConnects, LLC that are subject to competition from competitive local exchange carriers, cable television system operators, electric power utilities, fixed and mobile wireless service providers, and/or satellite carriers.

Specifically, the Plan and Map set forth in detail the services provided by BARConnects, LLC over its planned network including location of customers, as well as planned network improvement and maintenance for 2015 through 2019, including project dates, populations impacted by the improvements and upgrades, and projected capital costs associated with maintaining the network. This information is competitively sensitive information related to the company’s existing network and planned upgrades and maintenance, and would benefit BARConnects, LLC’s competitors if they were able to have access to this information.

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<sup>1</sup> *Wireline Competition Bureau Announces Additional Provisionally Selected Bidders for Rural Broadband Experiments and Sets Deadlines for Submission of Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-288 (Wireline Comp. Bur. rel. Mar. 4, 2015).

<sup>2</sup> 47 C.F.R. § 0.457(d)(2).

<sup>3</sup> 5 U.S.C. § 522(b)(4).



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5. *Explanation of how disclosure of the information could result in substantial competitive harm.*

Disclosure of the Plan and Map is likely to result in substantial competitive harm to BARConnects, LLC because the Plan and Map could provide competitors with commercially sensitive insights related to BARConnects, LLC's operations, service offerings, and costs.

6. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure.*

BARConnects, LLC does not make the Plan or Map or any of the information contained therein publically available in any way. The Plan and Map are only made available to key employees with a direct need-to-know basis. This production has been completed by outside counsel.

7. *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.*

BARConnects, LLC does not make the Plan or Map available to the public and it has not previously allowed disclosure of the Plan or Map to third parties that are not otherwise bound by confidentiality obligations.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.*

The Plan and Map should be treated as confidential for an indefinite period, as BARConnects, LLC will always be subject to competition and the competitive harms associated with the disclosure of the Plan and Map.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.*

None.

In order to provide adequate protection from public disclosure, BARConnects, LLC requests that the Commission strictly limit distribution of the Plan and Map within the Commission on a "need to know" basis and not allow any distribution outside of the Commission. In the event that any person or entity outside of the Commission requests disclosure of the Plan or Map, BARConnects, LLC requests that it be so notified immediately so that it can oppose such request or take other action to safeguard its interests as it deems necessary and appropriate.

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Ms. Marlene Dortch, Secretary  
April 22, 2015  
Page 4

Please do not hesitate to contact me if you have any questions or I may be of any assistance.

Sincerely,

**DYKEMA GOSSETT PLLC**

A handwritten signature in blue ink, appearing to read "Shannon M. Heim", written over the printed name.

Shannon M. Heim

SMHE/ebl  
Enclosures

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

|  |                  |                      |
|--|------------------|----------------------|
| Telecommunications Carriers Eligible for<br>Universal Service Support  | )<br>)<br>)      | WC Docket No. 09-197 |
| Connect America Fund   | )<br>)           | WC Docket No. 10-90  |
| Rural Broadband Experiments  | )<br>)           | WC Docket No. 14-259 |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | )<br>)<br>)<br>) |                      |

**PETITION OF BARCONNECTS, LLC FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE COMMONWEALTH OF VIRGINIA**

April 22, 2015

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|  | ) |                      |
| Connect America Fund   | ) | WC Docket No. 10-90  |
|  | ) |                      |
| Rural Broadband Experiments  | ) | WC Docket No. 14-259 |
|  | ) |                      |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | ) |                      |
|  | ) |                      |

**PETITION OF BARCONNECTS, LLEC FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE COMMONWEALTH OF VIRGINIA**

BARConnects, LLC (“BARConnects”), a wholly owned subsidiary of BARC Electric Cooperative, pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. § 214(e)(6) and Section 54.201 of the Rules of the Federal Communications Commission (“FCC” or “Commission”), hereby requests designation as an eligible telecommunications carrier (“ETC”) in the Census Blocks BARConnects provisionally won Rural Broadband Experiment funding.<sup>1</sup> All Census Blocks are located in the Commonwealth of Virginia.<sup>2</sup>

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<sup>1</sup> *Wireline Competition Bureau Announces Additional Provisionally Selected Bidders for Rural Broadband Experiments and Sets Deadlines for Submission of Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-288 (Wireline Comp. Bur. rel. Mar. 4, 2015) (“Public Notice”). BARConnects, LLC is a wholly-owned subsidiary of BARC Electric Cooperative. *See supra* fn. 3.

<sup>2</sup> *See* Exhibit 3 for a list of Census Blocks.

## I. INTRODUCTION.

BARConnects is a Virginia limited liability company whose sole member is BARC Electric Cooperative (the “Cooperative”).<sup>3</sup> BARConnects seeks an ETC designation to obtain the Wireline Competition Bureau’s provisional grant of funding to the Cooperative for a Rural Broadband Experiment within the Commonwealth of Virginia, pursuant to WC Docket No. 10-90 (“Provisional Grant”).<sup>4</sup> BARConnects seeks ETC status only in the Census Blocks where it has received the Provisional Grant (the “Census Blocks”) to fulfill the Bureau’s mandate and to allow BARConnects to operate in a manner consistent with the Bureau’s expectations in making the Provisional Grant.<sup>5</sup> Although applicants for the Rural Broadband Experiment are not required to hold ETC status,<sup>6</sup> winning bidders are required to provide appropriate documentation of their ETC designation in the areas for which the bidder will receive support.<sup>7</sup>

Upon obtaining the Provisional Grant, BARConnects immediately began taking steps to seek designation as an ETC from the Virginia State Corporation Commission (“SCC”). The SCC has advised BARConnects that the SCC lacks jurisdiction to designate BARConnects as an ETC in the Commonwealth of Virginia. As set forth below, pursuant to Section 214(e)(6) of the Act, 47 U.S.C. § 214(e)(6), the Commission has authority to grant ETC status where the relevant state

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<sup>3</sup> Under Virginia law, BARC Electric Cooperative is prohibited from operating unregulated business activities through the cooperative itself. To comply with Virginia law, BARC has formed BARConnects, LLC, a wholly-owned subsidiary, to provide broadband and telecommunications services.

<sup>4</sup> *Connect America Fund, ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769 (July 14, 2014) (“*Rural Broadband Experiments Order*”) at para. 23.

<sup>5</sup> The provisional grant of rural broadband experiment support was given to BARC Electric Cooperative, which has formed a subsidiary, BARConnects, LLC, to provide the broadband services described in this petition.

<sup>6</sup> *Technology Transitions et al.*, GN Docket No. 13-5 *et al.*, Order *et al.*, 29 FCC Rcd 1433, 1474, para. 118 (2014) (“*Tech Transitions Order*”).

<sup>7</sup> *Rural Broadband Experiments Order* at para. 22.

authority does not have jurisdiction or declines jurisdiction to grant such status. Therefore, the FCC has authority to consider and grant this Petition.

## **II. DESCRIPTION OF BARCONNECTS, LLC.**

BARConnects is a broadband and telecommunications service provider that plans to design, deploy and operate reliable, affordable and sustainable residential and commercial broadband and telecommunications services for an initial targeted service area.<sup>8</sup> Through its planned fiber broadband network in Rockbridge County, Virginia, BARConnects will extend broadband and telecommunications services via a newly constructed fiber network as well as lease of an existing middle mile open-access municipal fiber network in the Shenandoah Valley region of Virginia.<sup>9</sup> Through the use of new and existing fiber networks, BARConnects will create an efficient local broadband and telecommunications distribution network capable of delivering high quality broadband and voice services. This local network will be supported by a local service and maintenance workforce, and will provide residential and commercial broadband access enabling high speed Internet, video and voice services.

## **III. THE COMMISSION HAS THE AUTHORITY TO AWARD AN ETC DESIGNATION.**

Section 214(e)(6) of the Act grants the FCC authority to designate a carrier as an ETC when such carrier is “not subject to the jurisdiction of a state commission.”<sup>10</sup> On March 18, 2015, BARConnects filed a request with the SCC for an ETC designation in Virginia or in the alternative, if the SCC found that it does not have jurisdiction to award such status, for the SCC

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<sup>8</sup> See <http://barc.crowdfiber.com/>. Over time, BARC hopes to expand its network to serve all of its electric consumers with broadband and telecommunications services.

<sup>9</sup> BARConnects will partner with the Rockbridge Area Network Authority. See <http://www.ranabroadband.net/>.

<sup>10</sup> 47 U.S.C. §214(e)(6).

to issue a decision that it does not have jurisdiction to grant BARConnects' request.<sup>11</sup> On March 30, 2015, in Case No. PUC-2015-00015, the SCC issued an order that stated, "as the Commission [SCC] has not asserted jurisdiction over service providers such as BARConnects, 47 U.S.C § 214(e)(6) is applicable to BARConnects' request for ETC designation, and the Company should make its request to the FCC to be designated as an ETC."<sup>12</sup> In accordance with the SCC's decision, BARConnects therefore requests that the Commission exercise its statutory authority under Section 214(e)(6) of the Act to grant BARConnects an ETC designation for the requested areas in the Commonwealth of Virginia.

#### **IV. BARCONNECTS SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC.**

BARConnects meets all of the statutory and regulatory requirements for designation as an ETC. Section 254(e) of the Telecommunications Act of 1996 provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support."<sup>13</sup> The Commission previously reviewed the Cooperative and BARConnects' financial and technical capability to fulfill the obligations of the Rural Broadband Experiment and concluded in the affirmative.<sup>14</sup> BARConnects reviewed the applicable federal rules and as described herein, BARConnects satisfies all of the necessary state and federal requirements.

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<sup>11</sup> *Application of BARConnects, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e)*, Case No. PUC-2015-00015, Application for Designation as an Eligible Telecommunications Carrier, before the Commonwealth of Virginia State Corporation Commission (Mar. 12, 2015).

<sup>12</sup> *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, before the Commonwealth of Virginia State Corporation Commission (Mar. 30, 2015). See Exhibit A.

<sup>13</sup> 47 U.S.C. § 254(e).

<sup>14</sup> *Wireline Competition Bureau Announces Entities Under Consideration as Next-In-Line Bidders for Rural Broadband Experiments Support*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-157 (Wireline Comp. Bur. rel. Feb 3, 2015).

- (a) **BARConnects will offer services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services.**<sup>15</sup>

Upon final confirmation of receiving funding through the FCC's Rural Broadband Experiment program, BARConnects will deploy and operate a broadband network utilizing its own facilities and leased facilities via IRUs throughout the area within which BARConnects seeks ETC designation. BARConnects' fiber optic network is designed to provide broadband and voice over the internet services to residential, small business, and government customers in that area of the Rockbridge County, Virginia covering the designated Census Blocks in the Cooperative's Rural Broadband Experiment application. The network will use a system of installed fiber optic cable to offer "last mile" broadband to locations within the designated Census Blocks. The BARConnects broadband network will provide dedicated access to BARConnects' customer's home, business premise or other service locations in the service area. BARConnects will also offer residential and commercial voice services through reselling a white label wholesale voice service.<sup>16</sup> BARConnects will offer Lifeline voice services only to customers that qualify for such services in the Census Blocks in which BARConnects is granted an ETC designation. BARConnects satisfies the requirement that it will offer the services supported by the Federal universal service support mechanisms by utilizing its own facilities in conjunction with partnerships with third-party providers. Such offerings will be available only in the Census Blocks where BARConnects has received an ETC designation.

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<sup>15</sup> See 47 CFR § 54.201(d)(1).

<sup>16</sup> BARConnects is currently negotiating with two service providers to provide a VoIP product over its fiber network.

(b) **BARConnects will be a Common Carrier.**<sup>17</sup>

Upon final confirmation of receiving funding through the FCC's Rural Broadband Experiment program, BARConnects will act as a common carrier in the Census Blocks for the purposes of ETC designation.

(c) **BARConnects Will Provide All Required Services and Functionalities.**<sup>18</sup>

In accordance with 47 C.F.R. §§ 54.101(a) and 54.202(a), BARConnects certifies that it will provide all of the services and functionalities required under federal law in the Census Blocks.

(i) **Voice Grade Access to the Public Switched Telephone Network.**<sup>19</sup>

BARConnects will provide voice grade access in the Census Blocks to the public switched telephone network ("PSTN") in part through reselling a white label wholesale voice service and in part over its own fiber network.

(ii) **Local Usage.**<sup>20</sup>

BARConnects will offer local usage plans comparable to the ILEC in the Census Blocks. BARConnects intends to offer an unlimited local service. BARConnects also offers broadband plans to meet the broadband needs of its customers who may not wish to purchase voice service.

(iii) **Equal Access.**

BARConnects acknowledges it may be required to provide equal access to long distance carriers to the extent that no other ETC is providing equal access within the Census Blocks.

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<sup>17</sup> 47 U.S.C. § 214(e).

<sup>18</sup> 47 CFR §§ 54.101(a), 54.202(a).

<sup>19</sup> 47 CFR § 54.101(a).

<sup>20</sup> 47 CFR § 54.101(a).

**(iv) Access to Emergency Services.<sup>21</sup>**

In collaboration with its VoIP partner, BARConnects will provide access to emergency services in the Census Blocks via traditional 911 or E911 as requested by the appropriate local government or Public Safety Answering Point (“PSAP”).

**(v) Toll Limitation for Qualifying Low-Income Customers.<sup>22</sup>**

Upon implementing any Lifeline service offering that distinguishes between toll and non-toll calls, BARConnects will offer toll limitation to qualifying low-income customers in the Census Blocks at no additional charge. Alternatively, BARConnects may offer unlimited long distance, which would relieve it of the obligation to offer toll limitation in the Census Blocks.<sup>23</sup>

**(d) BARConnects will advertise the availability of its services and the charges therefor using media of general distribution.<sup>24</sup>**

BARConnects will support its service offering, including Lifeline services, with a local sales, service and technical support staff that will actively sell services to the local communities within which the network is deployed. BARConnects will actively engage homeowners, businesses, and government officials at community meetings and home association meetings, as well as targeted meetings with county officials and other local and community organizations within the Census Blocks. BARConnects’ products will be promoted and advertised online at the company website, where interested consumers will be able to review the product line, product features and pricing. The website will also provide service coverage information as the network is expanded over the targeted service areas and will contain information on BARConnects’

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<sup>21</sup> 47 CFR § 54.101(a).

<sup>22</sup> 47 CFR § 54.401(a)(3).

<sup>23</sup> See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”) at para. 238 (“In this Order, we relieve ETCs of the obligation to offer TLS in the first instance if their Lifeline offering does not distinguish in the pricing of toll and non-toll calls, which may relieve many ETCs of the obligation to offer TLS.”).

<sup>24</sup> 47 CFR § 54.201(d)(2).

Lifeline service offering. BARConnects’ marketing strategy will incorporate neighborhood marketing campaigns using door hangers, content in its monthly “Cooperative Living” magazine, general media advertising, direct mail, as well as public relations efforts with local news outlets.

**(e) BARConnects requests designation in its Rural Broadband Experiment Census Blocks.**<sup>25</sup>

Because BARConnects is not a rural telephone company under 47 U.S.C. § 153(44), it is required to describe the geographic area(s) within which it requests designation as an ETC. BARConnects requests such designation for the Census Blocks awarded funding by the FCC Rural Broadband Experiment.<sup>26</sup>

**(f) BARConnects has the ability to remain functional in emergency situations.**<sup>27</sup>

BARConnects will design and operate its network in manner which allows the company to maintain its service levels and operate during emergency situations. This includes, but is not limited, to the following considerations and plans, each of which is designed to mitigate any issues relating to power outages and other emergency situations:

**(i) Back-Up Power.** All BARConnects network locations will be provided with on-site battery backup systems capable of providing full operation for a minimum of 24 hours during a loss of commercial utility service. Each location will also be equipped to accommodate a stationary or portable power generator that can be dispatched and maintained in the event a commercial utility outage is expected to last longer than 24 hours. The stationary or portable generators will be pre-staged and staffed locally to reduce the required dispatch time. All generators will be periodically tested to ensure readiness. Fuel sources and fuel storage will be pre-arranged to address extended outages.

**(ii) Network Robustness.** All facilities in the BARConnects network will be engineered and built to meet the TIA /EIA-222--Rev G structural standards for 130 MPH 3 Second wind gusts. Many of the company’s facilities will be collocated with public and utility infrastructure including water tanks, power poles, and government communication facilities in order to provide sturdy structural support. It is anticipated that these locations will receive priority restoration during a major emergency. BARConnects’ backbone

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<sup>25</sup> 47 U.S.C. § 214(e)(6).

<sup>26</sup> See Exhibit 3 for a list of Census Blocks.

<sup>27</sup> 47 CFR § 54.202(a)(2).

network providers employ fiber ring architecture to allow for increased uptime and fast restoration during network events.<sup>28</sup> The BARConnects network will be based on an Internet Protocol (“IP”) transport technology. The network will be engineered to take advantage of the automatic re-routing capability of IP to allow automatic recovery during fiber outages.

**(iii) Support Personnel.** BARConnects will employ local personnel equipped with emergency training and equipment to respond as needed to network locations during an emergency event. Each network region will be equipped with adequate spares to restore service promptly during an outage.

**(iv) Coordination.** BARConnects will utilize other competitive network providers and incumbent Local Exchange Carriers to complete voice calls. These carriers employ industry standard practices to deliver emergency 911 and operator traffic during network emergency events. In the event of 911 or Operator call failures, BARConnects’ Network Operations Center (“NOC”) will be automatically alerted and will take steps to resolve the failures via remote rerouting of the traffic.

**(v) Traffic Spikes During Emergency Situations.** BARConnects’ network will be engineered to transport IP traffic to a minimum of two major Internet Peering locations. In the event of network congestion for any reason, traffic will automatically flow in and out of BARConnects’ network under this arrangement. In catastrophic situations, BARConnects’ NOC will be alerted to blocked traffic situations and will have the ability to remotely configure alternate IP traffic routes to relieve any outage.

**(g) BARConnects will satisfy applicable consumer protection and service quality standards.**<sup>29</sup>

BARConnects satisfies all applicable state and federal requirements related to consumer protection and service quality standards, as required by 47 C.F.R. § 54.202(a)(3). BARConnects has a long history of providing its utility customers with a high level of consumer protection and service quality.

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<sup>28</sup> See BARConnects’ Technical and Financial Submission to the Commission to remain a next in line bidder. *Wireline Competition Bureau Announces Entities Under Consideration as Next-In-Line Bidders for Rural Broadband Experiments Support*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-157 (Wireline Comp. Bur. rel. Feb 3, 2015).

<sup>29</sup> See 47 C.F.R. § 54.202(a)(3).

- (h) BARConnects has provided financial and technical information that describes with specificity proposed improvements or upgrades to BARConnects’ network throughout its proposed service area.<sup>30</sup>**

The FCC established a process in which all bidders in the Rural Broadband Experiments interested in being considered as next-in-line bidders were required to file technical and financial information with the FCC.<sup>31</sup> BARConnects submitted the required detailed information and timeframes of proposed improvement and upgrades that will be associated with the network build out pursuant to this process.<sup>32</sup> This technical and financial information demonstrates BARConnects’ technical capability to provide Lifeline services.

BARConnects additionally submits a preliminary Five Year Plan reflecting the network design already submitted.<sup>33</sup> If requested, BARConnects will provide the Commission with supplemental information concerning BARConnects’ network and its design plans for all services within the Census Blocks.

- (i) BARConnects will comply with certification and verification requirements.<sup>34</sup>**

As a Lifeline provider, BARConnects will be required to certify and verify a Lifeline customer’s initial and continued eligibility. BARConnects will certify and verify customer

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<sup>30</sup> *Wireline Competition Bureau Announces Deadline for Bidders Interested in Remaining Under Consideration for Rural Broadband Experiments Support to File Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 14-1839 (Wireline Comp. Bur. rel. Dec. 18, 2014).

<sup>31</sup> *Wireline Competition Bureau Announces Deadline for Bidders Interested in Remaining Under Consideration for Rural Broadband Experiments Support to File Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 14-1839 (Wireline Comp. Bur. rel. Dec. 18, 2014).

<sup>32</sup> *Wireline Competition Bureau Announces Entities Under Consideration as Next-In-Line Bidders for Rural Broadband Experiments Support*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-157 (Wireline Comp. Bur. rel. Feb 3, 2015).

<sup>33</sup> See Exhibit 4 for BARConnects’ Five Year Plan.

<sup>34</sup> 47 C.F.R. § 54.410.

eligibility in accordance with the FCC’s requirements.<sup>35</sup> The certification and verification process will not impose an undue burden on BARConnects.<sup>36</sup>

**V. GRANTING BARCONNECTS STATUS AS AN ETC SERVES THE PUBLIC INTEREST.**

In establishing the Rural Broadband Experiment program, the FCC stated that it was in the public interest to advance the deployment of voice and broadband-capable networks in rural, high-cost areas. In relation to that program, the FCC determined that the Commission “would encourage participation in the rural broadband experiments from a wide range of entities”<sup>37</sup> and that entities “need not be ETCs at the time they initially submit their formal proposals for funding through the rural broadband experiments.”<sup>38</sup> To best utilize the existing Connect America budget and to extend broadband to as many households as possible, the Commission awarded a Provisional Grant to BARC Electric Cooperative, concluding that BARC’s proposal was among the most cost effective proposals submitted and that BARC’s network was compliant with the program’s technical requirements.<sup>39</sup>

Granting an ETC designation to BARConnects serves the public interest because it will result in the expansion of rural broadband deployment by allowing BARC access to the funds allocated through the Provisional Grant. BARC has already undergone an intense review by the FCC of its technical and financial qualification to provide services as part the vetting process in the Rural Broadband Experiment program. By awarding BARC the Provisional Grant, the FCC

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<sup>35</sup> *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012).

<sup>36</sup> See Exhibit 6 for application to receive Lifeline service.

<sup>37</sup> *Rural Broadband Experiments Order* at para. 21 (referencing the *Tech Transitions Order*).

<sup>38</sup> *Rural Broadband Experiments Order* at para. 22.

<sup>39</sup> *Wireline Competition Bureau Announces Additional Provisionally Selected Bidders for Rural Broadband Experiments and Sets Deadlines for Submission of Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-288 (Wireline Comp. Bur. rel. Mar. 4, 2015).

has therefore found BARC qualified and identified BARConnects' planned network as a cost effective way to expand broadband and voice services in rural areas. Deployment of BARConnects' network would therefore further the public interest.

As the Commission is aware, ETC designation is a required component of the Rural Broadband Experiments program. Therefore if ETC status is not granted to BARConnects, the cost efficiencies identified by the FCC to be realized through BARConnects' planned network in Rockbridge County, Virginia would be jeopardized. Granting BARConnects status as an ETC therefore would advance the public interest goals as stated by the FCC and foster the expansion of broadband deployment in rural Virginia.

**VI. ANTI-DRUG ABUSE CERTIFICATION.**

BARConnects certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

**VII. CONCLUSION.**

As discussed above, the FCC has the authority to designate BARConnects as an ETC in the Census Blocks where it was selected for Rural Broadband Experiment funds. BARConnects meets all of the requirements set forth in statute and in the rules of the FCC for designation as an ETC. Such designation serves the public interest by expanding the availability of communications services in rural Virginia. Therefore, BARConnects respectfully requests that the Commission designate BARConnects as an ETC in Virginia in the Census Blocks, and for such further relief as may be appropriate.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Attorneys for BARConnects, LLC

Dated: April 22, 2015

By:     /s/ Shannon M. Heim    

Shannon M. Heim

Erik Levy

Dykema Gossett PLLC

4000 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402

Phone: (612) 486-1586

Fax: (855) 223-7059

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

|  |                  |                      |
|--|------------------|----------------------|
| Telecommunications Carriers Eligible for<br>Universal Service Support  | )<br>)<br>)      | WC Docket No. 09-197 |
| Connect America Fund   | )<br>)           | WC Docket No. 10-90  |
| Rural Broadband Experiments  | )<br>)           | WC Docket No. 14-259 |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | )<br>)<br>)<br>) |                      |

**EXHIBIT 1:**

**ORDER FROM VIRGINIA STATE CORPORATION COMMISSION**

## STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 30, 2015

SCC-CLERK'S OFFICE  
DOCUMENT CONTROL CENTER

2015 MAR 30 P 2:40

APPLICATION OF

BARCONNECTS, LLC

CASE NO. PUC-2015-00015

For designation as an eligible  
telecommunications carrier  
pursuant to 47 U.S.C. § 214(e).

ORDER

On March 18, 2015, BARConnects, LLC ("BARConnects" or "Company"), made a filing with the State Corporation Commission ("Commission") requesting that the Commission, in accordance with 47 U.S.C. § 214(e), enter an order designating BARConnects as an eligible telecommunications carrier ("ETC") or in the alternative, stating that the Commission declines to exercise jurisdiction over the Company for purposes of making an ETC designation ("Request").

In its Request, BARConnects states that it is a subsidiary of BARC Electric Cooperative, which was provisionally selected by the Federal Communications Commission ("FCC") to receive funds for the expansion of broadband services under the FCC's Rural Broadband Experiments program.<sup>1</sup> BARConnects states that it must seek and obtain ETC status within 90 days as a condition of the provisional award. The Company notes that pursuant to the applicable federal statutes, the designation of a carrier as an ETC is made by the state commission, except where the carrier is not subject to the jurisdiction of the state commission.<sup>2</sup>

BARConnects states that it intends to provide primarily broadband and Voice-over-Internet Protocol ("VoIP") services. The Company asserts that the Commission may decline to

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<sup>1</sup> *Wireline Competition Bureau Announces Additional Provisionally Selected Bidders for Rural Broadband Experiments and Sets Deadlines for Submission of Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-288 (Mar. 4, 2015).

<sup>2</sup> See 47 U.S.C. § 214(e)(2) and (6).

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exercise jurisdiction over it for purposes of making an ETC designation given the Commission's limited jurisdiction over broadband and VoIP.<sup>3</sup> Accordingly, BARConnects requests an expedited determination as to whether the Commission will assert jurisdiction so that it may begin the designation process with the FCC, if necessary.

NOW THE COMMISSION, upon consideration of the representations BARConnects made in its Request and of the applicable law, is of the opinion and finds that, as the Commission has not asserted jurisdiction over service providers such as BARConnects, 47 U.S.C. § 214(e)(6) is applicable to the Company's request for ETC designation, and BARConnects should make its request to the FCC to be designated as an ETC.

Accordingly, IT IS ORDERED THAT there appearing nothing further to come before the Commission in this matter, this case hereby is dismissed from the Commission's active docket, and the papers filed herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Eric M. Page, Esquire, LeClairRyan, A Professional Corporation, 951 East Byrd Street, 8th Floor, Richmond, Virginia 23219. A copy also shall be delivered to the Commission's Office of General Counsel and Division of Communications.

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<sup>3</sup> For example, § 56-1.3 of the Code of Virginia provides in part that "[t]he 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."

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

|  |                  |                      |
|--|------------------|----------------------|
| Telecommunications Carriers Eligible for<br>Universal Service Support  | )<br>)<br>)      | WC Docket No. 09-197 |
| Connect America Fund   | )<br>)           | WC Docket No. 10-90  |
| Rural Broadband Experiments  | )<br>)           | WC Docket No. 14-259 |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | )<br>)<br>)<br>) |                      |

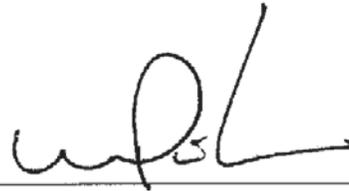
**EXHIBIT 2:**

**AFFIDAVIT OF MICHAEL KEYSER**



4. I am the corporate officer responsible for certifying BARC's use of federal high cost support funds. BARC is eligible to be designated an eligible telecommunications carrier within the meaning of Section 214(e) of the Telecommunications Act of 1996 and is eligible to receive universal service support pursuant to Section 254(e) of the Act.

5. BARC will use the federal high cost support funds that it receives only to provide, construct, upgrade and maintain facilities and services for which the support is intended.

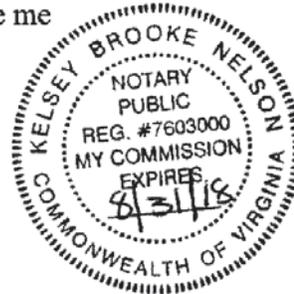


Michael Keyser, Chief Executive Officer

County of Bath  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me  
this 22<sup>nd</sup> day of April, 2015 by Michael Keyser.

Kelsey B Nelson  
Notary Registration Number: 7603000  
My commission expires: 8/31/18



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

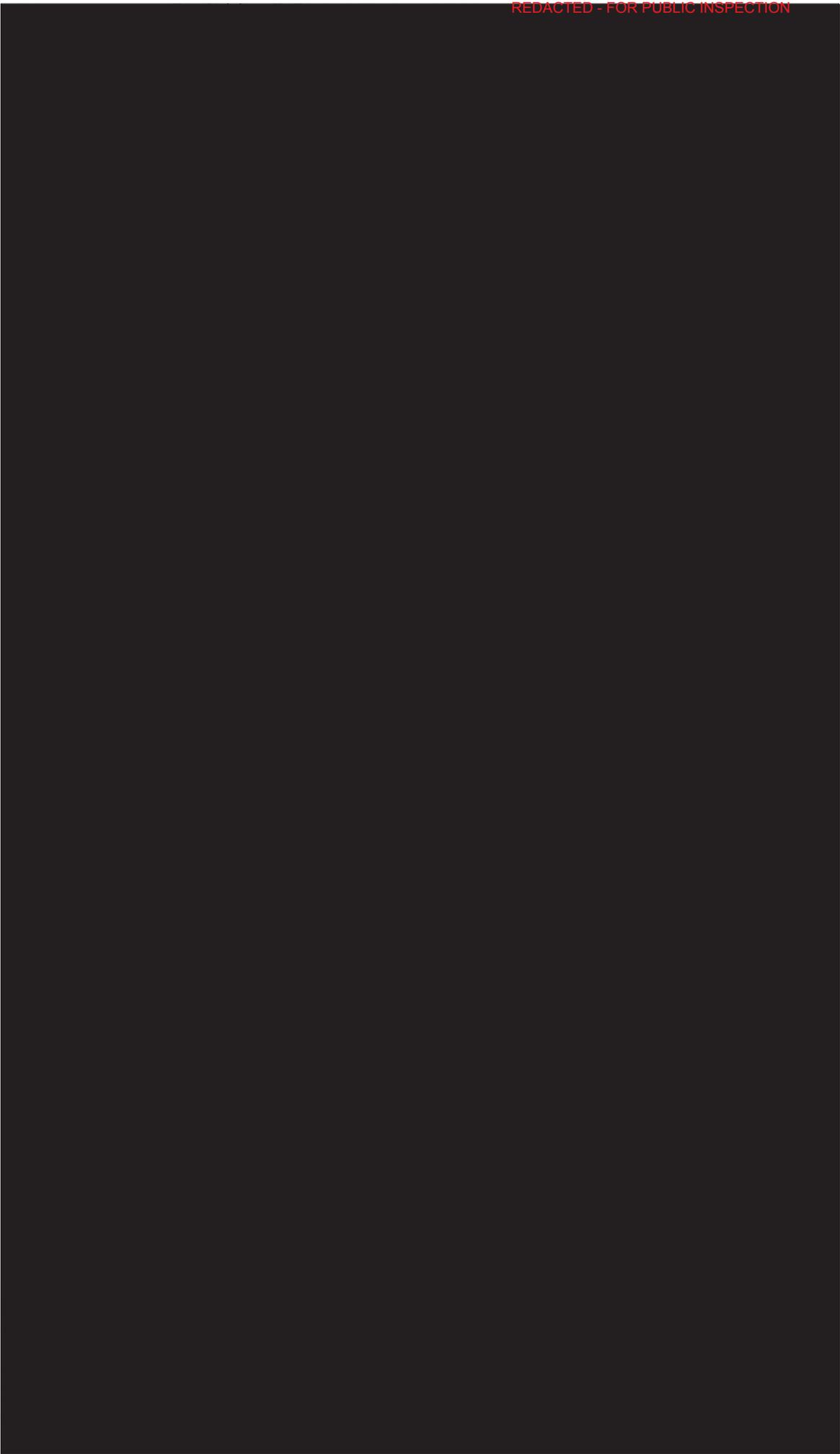
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| Telecommunications Carriers Eligible for<br>Universal Service Support  | ) | WC Docket No. 09-197 |
|  | ) |                      |
| Connect America Fund   | ) | WC Docket No. 10-90  |
|  | ) |                      |
| Rural Broadband Experiments  | ) | WC Docket No. 14-259 |
|  | ) |                      |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | ) |                      |
|  | ) |                      |

**EXHIBIT 3:**

**LIST OF CENSUS BLOCKS AND MAPS**

**Census Block ID Numbers**

|                 |                 |
|-----------------|-----------------|
| 511639301002000 | 511639301006028 |
| 511639301002012 | 511639301006036 |
| 511639301002036 | 511639301006037 |
| 511639301002039 | 511639302001171 |
| 511639301002040 | 511639302001300 |
| 511639301002046 | 511639302001332 |
| 511639301002056 | 511639302001343 |
| 511639301002074 | 511639302002067 |
| 511639301003039 | 511639302002068 |
| 511639301004000 | 511639302002098 |
| 511639301004003 | 511639302002099 |
| 511639301004006 | 511639302002100 |
| 511639301004007 | 511639302002113 |
| 511639301004009 | 511639302002131 |
| 511639301004010 | 511639302002193 |
| 511639301004013 | 511639302003147 |
| 511639301004020 | 511639302003193 |
| 511639301004021 | 511639302003194 |
| 511639301004022 | 511639302003195 |
| 511639301004027 | 511639303002021 |
| 511639301004029 | 511639303002023 |
| 511639301004034 | 511639303002055 |
| 511639301004042 | 511639303002061 |
| 511639301004067 | 511639303002063 |
| 511639301004068 | 511639303003094 |
| 511639301004074 | 511639303003099 |
| 511639301005072 | 511639303003123 |
| 511639301005084 | 511639303003124 |
| 511639301005106 | 511639303003126 |
| 511639301005110 | 511639303003210 |
| 511639301006004 | 511639303005075 |
| 511639301006013 | 511639303005079 |



Before the  
Federal Communications Commission  
Washington, DC 20554

|  |   |                      |
|--|---|----------------------|
| Telecommunications Carriers Eligible for<br>Universal Service Support  | ) | WC Docket No. 09-197 |
|  | ) |                      |
| Connect America Fund   | ) | WC Docket No. 10-90  |
|  | ) |                      |
| Rural Broadband Experiments  | ) | WC Docket No. 14-259 |
|  | ) |                      |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | ) |                      |
|  | ) |                      |

**EXHIBIT 4:**

**FIVE YEAR PLAN**



[REDACTED]

Before the  
Federal Communications Commission  
Washington, DC 20554

|  |   |                      |
|--|---|----------------------|
| Telecommunications Carriers Eligible for<br>Universal Service Support  | ) | WC Docket No. 09-197 |
|  | ) |                      |
| Connect America Fund   | ) | WC Docket No. 10-90  |
|  | ) |                      |
| Rural Broadband Experiments  | ) | WC Docket No. 14-259 |
|  | ) |                      |
| Petition of BARConnects, LLC.<br>for Designation as an Eligible<br>Telecommunications Carrier in the<br>Commonwealth of Virginia | ) |                      |
|  | ) |                      |

**EXHIBIT 5:**

**SAMPLE LIFELINE APPLICATION**

## BARConnects Lifeline Application

Name: (Please print) Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Address: (No P.O. Boxes) Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Billing address: (if different than above) Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Is this address  Permanent  Temporary  Multi-Household Number of people living in your household \_\_\_\_\_

Telephone # (MUST be in your name) (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Date of Birth (xx/xx/xxxx) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Alternate telephone # where you can be reached (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Last 4 digits of SS# or Tribal ID # \_\_\_\_\_

**1. I am currently participating in the following program(s):** *Check all that apply.* For verification, please provide proof by sending a copy of the programs benefit statement, notice, letter or other official participation document.\* Benefit cards are not accepted. **PHOTOCOPIES ONLY - ORIGINALS WILL NOT BE RETURNED.**

- |  |  |
|--|--|
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF)*<br><input type="checkbox"/> Medicaid*<br><input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamps*<br><input type="checkbox"/> Federal Public Housing Assistance (Section 8)*<br><input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP)*<br><input type="checkbox"/> Supplemental Security Income (SSI)* | <input type="checkbox"/> Bureau of Indian Affairs General Assistance (Tribal customers only)*<br><input type="checkbox"/> National School Lunch Program's free lunch program*<br><input type="checkbox"/> Food Distribution Program on Indian Reservations (Tribal customers only)* <input type="checkbox"/> Head Start (Income-Based - Tribal customers only)*<br><input type="checkbox"/> Tribally Administered Temporary Assistance for Needy Families (Tribal customers only)* |
|--|--|

**\*If the proof that you are sending is not in your name, you MUST fill out the statement below.**

I CERTIFY THAT \_\_\_\_\_ (name on proof) Date of Birth \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ and last 4 of SS# or tribal ID \_\_\_\_\_ IS A MEMBER OF MY HOUSEHOLD AND IS NOT ALREADY RECEIVING LIFELINE BENEFITS FROM BARCONNECTS OR ANOTHER COMPANY.

**OR 2.  I do not participate in any programs listed in #1 above but my household income is at or below Federal Poverty Guidelines as listed in the chart below.** For verification, please provide proof by sending a copy of your most recent: federal or state tax return, income statement or W-2 from an employer, 3 months of pay stubs, Social Security benefit statement, Veteran's Administration benefit statement, retirement/pension benefits statement, divorce decree, Unemployment/Workmen's Compensation benefit statement, child support award, or other legal document that would show total current income. Bank statements are not accepted.

**PHOTOCOPIES ONLY - ORIGINALS WILL NOT BE RETURNED.**

| # of Members in Household         | total household annual income must be at or below: |
|-----------------------------------|--|
| <b>1 member</b>                   | <b>\$17,505.00</b>                                 |
| <b>2 members</b>                  | <b>\$23,595.00</b>                                 |
| <b>3 members</b>                  | <b>\$29,685.00</b>                                 |
| <b>For each additional member</b> | <b>Add \$6,090.00 per person</b>                   |

**3.  Senior Discount.** Check here if you are 65 or older and wish to also receive an additional \$1.10 monthly Senior Discount. You must provide proof of age (such as a copy of driver's license, State ID or birth certificate) along with this application. This credit will be in addition to your monthly Lifeline credit. Not eligible with Tribal Lifeline discount.

**4.  Check this box if you are also an eligible resident of Tribal lands and applying for Tribal Lifeline/Link Up.**

**IMPORTANT – PLEASE COMPLETE AND RETURN BOTH SIDES**

**IMPORTANT – PLEASE COMPLETE AND RETURN BOTH SIDES**

**5. To be completed by ALL customers regardless of your selections in Sections 1 & 2.**

**I certify under penalty of perjury: *Initial by each Certification line below:***

\_\_\_\_\_ (1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that Lifeline is a federal benefit and that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law, may lead to fines, imprisonment, de-enrollment and may result in me being barred from the program.

\_\_\_\_\_ (2) I am a current recipient of the program checked above, or have an annual household income at or below the Federal Poverty Guidelines listed above.

\_\_\_\_\_ (3) I understand that my household can only have one Lifeline-supported telephone service. BARConnects has explained the one-per household requirement. I understand that violation of the one per household requirement constitutes a violation of the FCC’s rules and will result in my de-enrollment in the Lifeline program and could result in criminal prosecution by the United States government.

\_\_\_\_\_ (4) I attest to the best of my knowledge that neither I nor anyone else in my household receives a Lifeline-supported service from any other landline or wireless company. Household is defined as any individual or group of individuals who live together at the same address and share income and expenses.

\_\_\_\_\_ (5) I understand that my BARConnects lifeline service is non-transferable and I may not transfer my service to any individual including any other eligible low-income customer.

\_\_\_\_\_ (6) I will notify BARConnects within 30 days if I no longer qualify for lifeline. I understand this requirement and that I may be subject to penalties if I fail to notify BARConnects. Specifically, I will notify BARConnects if: 1) I cease to participate in the above federal or state program, or if my annual household income exceeds the income guidelines; 2) I am receiving more than one Lifeline service; or 3) I no longer satisfy the criteria for receiving Lifeline support.

\_\_\_\_\_ (7) I will notify BARConnects within 30 days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with BARConnects every 90 days. If I fail to respond to BARConnects address verification attempts within 30 days, my Lifeline service may be terminated.

\_\_\_\_\_ (8) BARConnects has explained to me that I am required each year (or as requested) to recertify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, my BARConnects Lifeline service will be terminated.

\_\_\_\_\_ (9) I authorize and understand that BARConnects may provide to state and federal agencies, as required by law for the purpose of complying with the Lifeline program all of the information related to my account, including but not limited to my name, date of birth, social security number, address and phone number.

\_\_\_\_\_ (10) I understand that my telephone number, date of birth, last four digits of my social security number, and address will be divulged to the Universal Service Administrative Company (USAC) and/or its agents for the purpose of verifying that I do not receive more than one Lifeline subsidy.

\_\_\_\_\_ (11) I understand that if USAC identifies that I am receiving more than one Lifeline subsidy, all carriers involved may be notified so that I may select one service and be de-enrolled from the other.

\_\_\_\_\_ (12) I have provided documentation of eligibility along with this application.

\_\_\_\_\_  
**Applicant Signature** **Date**

I am an “Authorized Representative” for this customer and am submitting this form on behalf of this customer.

\_\_\_\_\_  
Print “Authorized Representative”    Name Signature (Authorized Rep.)    Daytime Phone Number    Date

**Mail to: BARConnects LLC, 84 High Street, P.O. Box 264, Millboro, VA 24460-0264 or fax to 540-997-9011.**

**If you have any questions, please call BARConnects’s Customer Service at 1-800-846-BARC (2272).**