

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF  
THE STATE OF MISSISSIPPI**

DE FASTLINK, LLC

DOCKET NO. 2021-UA-09

RE: APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER TO RECEIVE RURAL DIGITAL OPPORTUNITY FUND PHASE I AUCTION (AUCTION 904) SUPPORT FOR VOICE AND BROADBAND SERVICES

**RECOMMENDED ORDER**

On January 6, 2021, DE Fastlink, LLC (“DE Fastlink” or “Company”) filed with the Mississippi Public Service Commission (“Commission”), an application for designation as an Eligible Telecommunications Carrier (“ETC”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), and in accordance with other applicable rules and orders of the Commission,<sup>1</sup> seeking ETC designation in all areas where DE Fastlink has been conditionally allocated Rural Digital Opportunity Fund (“RDOF”) Phase I support by the Federal Communications Commission (“FCC”), as well as Lifeline-only ETC designation status in additional areas. Please see Exhibit A attached hereto containing the application of DE Fastlink for designation as an ETC.

DE Fastlink, a limited liability company organized and existing under the laws of the State of Mississippi, is a wholly-owned subsidiary of Dixie Electric Power Association (“DEPA”), a

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<sup>1</sup> *In the Matter of Eligible Telecommunications Carrier Designation for Federal Universal Service Support*, Docket No. 2005-AD-662, Order on Rehearing Reforming and Modernizing Universal Service Support and Adopting Changes of FCC Order 11-161 (adopted Nov. 15, 2012) (“November 2012 Order”). An “Eligible Telecommunications Carrier (‘ETC’) Checklist, Revised to Reflect Changes of FCC 11-161” (“ETC Checklist”) is attached as Exhibit A of the *November 2012 Order*. In 2018, the Commission sought comment on amending the ETC Checklist, stating that “[a]fter receipt of comments and reply comments, the Commission will issue an appropriate Order regarding the revised checklist.” *In the Matter of ETC Designation for Federal Universal Service Support*, Docket No. 2005-AD-662, Order Amending Checklist and Updating Reporting Requirements (adopted Nov. 6, 2018).

not-for-profit, member-owned electric cooperative. DEPA provides electric service to residential, commercial, industrial, and public facilities.

DE Fastlink is engaged in deploying a new state-of-the-art, low-latency, fiber-to-the-home ("FTTH") network that will provide high-speed broadband and interconnected Voice over Internet Protocol ("VoIP") enabled voice services throughout the RDOF Phase I-eligible census blocks identified in Exhibit A of its ETC application and seeks High-Cost and Low-Income ETC designation from the Commission to serve these census blocks. In addition, DE Fastlink seeks Lifeline-only ETC designation status in additional areas primarily consisting of DEPA's electric service footprint, identified in Exhibit B of its ETC application.

DE Fastlink was founded to jump-start high-speed Internet service in an area that has been mostly unserved or underserved. With CARES Act funding, Dixie Electric was able to begin construction on its new, state-of-the-art, low-latency, 206-mile fiber-to-the-home ("FTTH") network, over which DE Fastlink will provide affordable high-speed broadband and Voice over Internet Protocol ("VoIP") services throughout Dixie Electric's service area, which largely lacks access to such high-speed, broadband services. Through the expansion of Dixie Electric's FTTH network, DE Fastlink will offer broadband and voice services to customers in the proposed ETC designation area. These customers are expected to total approximately 3,758 voice customers and 15,030 broadband customers at the end of the first five years. DEPA's FTTH network will be the backbone of the high-speed, reliable services on which DE Fastlink's customers will rely. DE Fastlink will leverage Dixie Electric's FTTH network to provide customers with competitively superior broadband and voice services now and into the future. DE Fastlink plans to initially offer residential Internet service at the following bi-directional speeds and prices with no data caps, no contracts and free installation: 100/100 Mbps at \$64.95/mo., 500/500 Mbps at \$74.95/mo. and 1/1

Gbps at \$84.95/mo. DE Fastlink will also offer business Internet service. The Commission, being fully apprised in the premises and having considered the record before it, as authorized by law and the Commission's Public Utilities Rules of Practice and Procedure, and upon recommendation of the Mississippi Public Utilities Staff ("Staff"), finds as follows:

1. On January 30, 2020, the FCC issued a Report and Order enabling the FCC to move forward with Auction 904, committing up to \$16 billion over 10 years to support up to gigabit speed broadband networks in rural America wholly unserved by 25/3 Mbps.<sup>2</sup> The FCC allocated Auction 904 funding through a multi-round, reverse, descending clock auction favoring faster services with lower latency.

2. In a December 7, 2020 Public Notice, the FCC announced that the NRTC Phase 1 RDOF Consortium was a winning bidder in the RDOF Phase I auction.<sup>3</sup> DE Fastlink, a member of the RECC, was assigned 1,172 of the census blocks in Mississippi awarded by the RECC which includes a total of 9,306 eligible locations. As a result, DE Fastlink is slated to receive a total of \$21,418,933 of RDOF Phase I support over 10 years.<sup>4</sup>

3. On February 2, 2021, the Commission issued an Order referring DE Fastlink's ETC application to Commissioner Dane Maxwell, Northern District, for hearing, report and recommendation of an appropriate Order, or any other action necessary, pursuant to Miss. Code Ann. § 77-3-40(6).

4. Staff issued its First Set of Data Requests to DE Fastlink on January 29, 2021, and DE Fastlink submitted its Responses to Staff on February 24, 2021.

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<sup>2</sup> *In the Matter of Rural Digital Opportunity Fund; Connect America Fund*, Report and Order, 35 FCC Rcd 686 (2020).

<sup>3</sup> *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, Public Notice, 35 FCC Rcd 13888 (2020).

<sup>4</sup> See <https://www.fcc.gov/file/20525/download>.

5. DE Fastlink's receipt of RDOF Phase I Auction funding is conditioned upon DE Fastlink obtaining designation as a High-Cost and Low-Income ETC in the census blocks identified in Exhibit A1 of its ETC application. By June 7, 2021, absent a waiver being granted by the FCC, DE Fastlink must obtain ETC designation in all of the census blocks in which DE Fastlink has been awarded RDOF Phase I support and submit appropriate documentation of such ETC designation to the FCC.

6. Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under section 214(e)(2) shall be eligible to receive specific federal universal service support."<sup>5</sup> Section 214(e)(2) of the Act provides that state commissions "shall designate" common carriers that meet the statutory requirements as ETCs. The FCC has ruled that Section 214(e)(2) of the Act "provides state commissions with the primary responsibility for designating ETCs."<sup>6</sup>

7. The Commission has stated that the FCC has "charge[d] states with the authority and obligation to certify that all federal high-cost and CAF [Connect America Fund] support is being used by carriers in a manner for which the support is intended[.]"<sup>7</sup> and that "Section 77-3-35 explicitly authorizes the Commission to regulate and further the provision of universal service ...."<sup>8</sup> Therefore, the Commission has the authority and the primary responsibility under federal law to designate DE Fastlink as an ETC for federal universal service support purposes. The *November 2012 Order* and Section I of the ETC Checklist establish the requirements that an applicant must meet in order to be designated as an ETC.

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<sup>5</sup> 47 U.S.C. § 254(e).

<sup>6</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371, 6372 (¶ 1, n.2) (2005) (emphasis added) (interpreting 47 U.S.C. § 254(e)(2)).

<sup>7</sup> *November 2012 Order* at 3 (¶ 8).

<sup>8</sup> *Id.* at ¶ 11 (citing M.C.A. § 77-35).

8. To be designated as an ETC, an applicant must be a common carrier.<sup>9</sup> For the customers and locations where RDOF Phase I support has been allocated, DE Fastlink will provide its services on a common carrier basis. DE Fastlink is a common carrier for purposes of Section 214(e) of the Act.<sup>10</sup>

9. To be designated as an ETC, an applicant must offer throughout the area in which it proposed to be an ETC, the services set forth in Section 54.101(a) of the FCC's rules,<sup>11</sup> either by using its own facilities or a combination of its own facilities and the resale of another carrier's services. DE Fastlink will offer, upon designation as an ETC, all of the supported services throughout the areas in which it is requesting designation as an ETC through the provision of VoIP-enabled voice communications service that is interconnected to the PSTN, as well as high-speed broadband services. The Company commits to provide these services consistent with applicable FCC rules relating to high-cost universal service support.<sup>12</sup>

10. DE Fastlink will offer both voice telephony service throughout its proposed ETC designation area and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency service via E-911, wherever available from local government or public safety

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<sup>9</sup> 47 U.S.C. § 214(e)(1) (providing that a "common carrier" must be designated as an ETC to receive universal service support). The Act defines a "common carrier" as "any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy ...." 47 U.S.C. § 153(11).

<sup>10</sup> 47 U.S.C. § 214(e).

<sup>11</sup> 47 CFR § 54.101(a).

<sup>12</sup> This commitment also complies with Section I.A.1.a. of the ETC Checklist (required services).

organizations. If required, DE Fastlink also commits to provide toll limitation services to qualifying low-income consumers as provided in Sections 54.400-54.423 of the FCC's rules.<sup>13</sup>

11. DE Fastlink's broadband Internet offering will provide the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including any capabilities that are incidental to, and enable the operation of, communications services.<sup>14</sup> DE Fastlink will provide affordable high-speed broadband and Voice over Internet Protocol ("VoIP") services throughout DEPA's service area, which largely lacks access to such high-speed, broadband services. These customers are expected to total approximately 3,758 voice customers and 15,030 broadband customers at the end of the first five years. DE Fastlink will leverage DEPA's FTTH network to provide customers with competitively superior broadband and voice services now and into the future. DE Fastlink plans to initially offer residential Internet service at the following bi-directional speeds and prices with no data caps, no contracts and free installation: 100/100 Mbps at \$64.95/mo., 500/500 Mbps at \$74.95/mo. and 1/1 Gbps at \$84.95/mo. DE Fastlink will also offer business Internet service.

12. As required by Section 54.405(a) of the FCC's rules,<sup>15</sup> DE Fastlink will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering,

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<sup>13</sup> *Id.*, §§ 54.400-54.423. DE Fastlink's compliance and commitments with respect to the applicable federal rules also constitute compliance with Section I.A.4. of the ETC Checklist (voice telephony service). DE Fastlink does not distinguish between toll and non-toll calls in the pricing of its services and, as a result, toll limitation services do not need to be offered for any Lifeline service offered by DE Fastlink.

<sup>14</sup> *See* 47 CFR § 54.101(a)(2) (stating that "[e]ligible broadband Internet access services must 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, but excluding dial-up service").

<sup>15</sup> *Id.*, § 54.405(a).

to qualifying low-income consumers within its proposed ETC designation area and in accordance with the FCC's rules.<sup>16</sup>

13. DE Fastlink will comply with the RDOF Phase I service requirements applicable to the federal universal service support that it receives,<sup>17</sup> including the requirements for receipt of RDOF Phase I support. Specifically, DE Fastlink, as an FCC Form 683 applicant for RDOF Phase I support,<sup>18</sup> has:

a. certified to the FCC that it complies with all statutory and regulatory requirements for receiving the universal service support that it seeks as of the long-form application filing deadline;<sup>19</sup>

b. certified to the FCC that it is financially and technically capable of meeting the relevant public interest obligations for each performance tier and latency combination in the geographic areas in which it seeks support;<sup>20</sup>

c. certified to the FCC that it will meet the relevant public interest obligations for each performance tier and latency combination for which it was deemed a winning bidder, including the requirement that it will offer service at rates that are equal to or lower than the FCC's reasonable comparability benchmarks for fixed services offered in urban areas;<sup>21</sup>

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<sup>16</sup> *Id.*, §§ 54.400-54.423.

<sup>17</sup> See ETC Checklist, § I.A.1.b.vi.

<sup>18</sup> Each Auction 904 winning bidder "is required to file an application for Rural Digital Opportunity Fund support, referred to as a long-form application ...." *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020, Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34, *et al.*, Public Notice, 35 FCC Rcd 6077, 6163 (¶ 286) (2020) ("*Auction 904 Public Notice*").

<sup>19</sup> *Id.* at 6165 (¶ 296) (citing 47 CFR § 54.804(b)(2)(v)).

<sup>20</sup> *Id.* at 6166 (¶ 298) (citing 47 CFR § 54.804(b)(2)(ii)).

<sup>21</sup> *Id.* at 6166 (¶ 299) (citing 47 CFR § 54.804(b)(2)(iii)).



d. demonstrated to the FCC that it has a design plan with supportable technologies to meet its RDOF Phase I public interest obligations in the areas covered by its winning bids, by submitting technical information to support the operational assertions made;<sup>22</sup> and

e. certified to the FCC that it will have available funds for all project costs that exceed the amount of RDOF support to be received for the first two years of its support term and also described how the required construction will be funded.<sup>23</sup>

14. DE Fastlink's commitment to comply with the service requirements applicable to the federal universal service support that it receives satisfies the Commission's requirement that applicants for ETC designation must comply with these federal universal service requirements.<sup>24</sup>

15. DE Fastlink commits 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 spikes resulting from emergency situations.<sup>25</sup>

16. Under the FCC's regulations, an ETC applicant must "[d]emonstrate that it will satisfy applicable consumer protection and service quality standards."<sup>26</sup> DE Fastlink commits to satisfying all FCC requirements related to consumer protection and service quality standards. In

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<sup>22</sup> *Id.* at 6167 (¶ 301) (citing 47 CFR § 54.804(b)(2)(iv)).

<sup>23</sup> *Id.* at 6174 (¶ 312) (citing 47 CFR §§ 54.804(b)(2)(v), 54.804(b)(2)(vi)).

<sup>24</sup> *See November 2012 Order* at 5 (ordering clauses 3 and 4).

<sup>25</sup> *See* 47 CFR § 54.202(a)(2) (providing that a common carrier seeking an ETC designation by the FCC must "[d]emonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations"). DE Fastlink's commitment also satisfies the requirements of Section I.A.2.a. of the ETC Checklist (emergency operations).

<sup>26</sup> 47 CFR § 54.202(a)(3).



addition, with respect to Lifeline service, DE Fastlink commits that it will annually certify compliance with consumer protection and service quality rules consistent with Section 54.422(b)(3) of the FCC's rules.<sup>27</sup>

17. DE Fastlink commits that it will offer the supported services specified in Section 214(e)(1)(A) of the Act<sup>28</sup> throughout its proposed ETC designation area.<sup>29</sup>

18. DE Fastlink commits to comply with: (1) all applicable provisions of the Commission's Rules and Regulations Governing Public Utility Service,<sup>30</sup> (2) "designated service quality standards applicable to each carrier,"<sup>31</sup> and (3) the requirement to submit to the Commission the number of consumer complaints per 1,000 access lines, as required in annual ETC filings.<sup>32</sup>

19. DE Fastlink commits that it will advertise the availability of its broadband and interconnected VoIP-enabled voice services, and their associated charges, in media of general distribution,<sup>33</sup> and that it will include Lifeline services in its advertising materials.<sup>34</sup> DE Fastlink will communicate its fiber availability and construction progress to its potential customers<sup>35</sup> in three or more, or any combination of, the following methods:

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<sup>27</sup> *Id.*, § 54.422(b)(3).

<sup>28</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>29</sup> ETC Checklist, § I.A.1.b.iv.

<sup>30</sup> *Id.*, § I.A.3.b.i.

<sup>31</sup> *Id.*, § I.A.3.b.ii.

<sup>32</sup> *Id.*, § I.A.3.b.iii.

<sup>33</sup> *Id.*, § I.A.1.b.i. *See* 47 CFR § 54.201(d)(2).

<sup>34</sup> ETC Checklist, § I.A.1.b.i.

<sup>35</sup> Nothing herein shall be interpreted to require the disclosure of any competitive data or information by DE Fastlink. DE Fastlink may in its business judgment determine the timing of such communications. DE Fastlink is expected to inform potential customers of the availability of service in advance of or, at a minimum, simultaneously with such service availability in specific areas. Upon request, DE Fastlink shall also provide its best estimate as to service availability in response to customer inquiries.

- a. Direct mail (e.g., postcards, letters);
- b. Door hangers or similar door-to-door communications;
- c. Electronic mail;
- d. Social media or similar electronic communications;
- e. Online (with the option to subscribe);
- f. Live events (with the option to subscribe); and/or
- g. Other forms of advertising.

20. DE Fastlink will offer Lifeline service in compliance with FCC rules. The Commission's ETC Checklist requires information concerning Lifeline plans that an applicant for ETC designation intends to offer.<sup>36</sup> DE Fastlink commits to implement its Lifeline plans in accordance with the current rules and policies adopted by the FCC.

21. DE Fastlink will price its Lifeline service at discounted rates and pass through the monthly support amounts for voice and/or broadband services established by the FCC. DE Fastlink's Lifeline service will represent a dollar-for-dollar reduction from its comparable non-Lifeline rates, providing a pass-through of the full amount of federal Lifeline support to qualifying customers.

22. DE Fastlink commits to adhering to any FCC reporting requirements relating to the reporting of service outages, and also commits to provide copies of any such reports to the Commission, upon request.<sup>37</sup>

23. As a prerequisite to receiving RDOF support, DE Fastlink is required to certify to the FCC "that it is financially and technically capable of meeting the relevant public interest

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<sup>36</sup> *Id.*, § I.A.1.b.ii.

<sup>37</sup> *Id.*, § I.A.2.b.

obligations for each performance tier and latency combination in the geographic areas in which it seeks support.”<sup>38</sup> With respect to financial resources, DE Fastlink will be able to rely on DEPA for loan funds at market rates, advances of capital and loaned or leased employee support by DE Fastlink, if necessary, in addition to the RDOF Phase I support being made available to the Applicant. In addition, DE Fastlink must obtain an irrevocable standby letter of credit from a bank acceptable to the FCC.<sup>39</sup> Therefore, DE Fastlink is financially capable of providing supported services in accordance with FCC and Commission rules.

24. With respect to technical capabilities, DE Fastlink is required to submit a detailed technology and system design description that explains how the design and technologies chosen will meet the relevant performance requirements, including information regarding quality, coverage, voice service, network management and on-going operations. This submission must include a detailed network diagram. The network diagram must be certified by a professional engineer.<sup>40</sup> Further, DE Fastlink must “provide a project plan that describes a network build-out schedule that includes but is not restricted to plans for constructing last mile and middle mile facilities.”<sup>41</sup> These various FCC requirements ensure that DE Fastlink possesses the financial and technical capabilities to pay for all start-up expenses (*e.g.*, equipment, operations, *etc.*) to deploy its fiber optic network, and to begin the provision of interconnected VoIP-enabled voice and broadband services throughout its proposed ETC designation area.

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<sup>38</sup> *Auction 904 Public Notice*, 35 FCC Rcd at 6166 (¶ 298) (footnote omitted).

<sup>39</sup> *Id.* at 6177 (¶ 319).

<sup>40</sup> *Id.* (footnotes omitted). The FCC’s requirements include a certification from a professional engineer that the long-form applicant’s fiber optic network is capable of delivering voice and broadband service that meets the requisite performance requirements and is capable of providing sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods. *Id.*

<sup>41</sup> *Id.* at 6171 (¶ 307).

25. Designating DE Fastlink as an ETC will clearly serve the public interest by enabling the Company to provide low-latency, gigabit-speed broadband, and interconnected VoIP-enabled voice services, to consumers in its proposed ETC designation area, as well as to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. DE Fastlink is well-positioned to help close the digital divide in its service area, allowing improved access to health care, education services, and other social services, helping to create jobs and boosting the economy. Approval of DE Fastlink's ETC application will help to address the urgent need to deliver broadband to rural Mississippi, enabling consumers and businesses in these regions of the state to have access to broadband services comparable to those in urban areas.

26. DE Fastlink's service offerings will preserve and advance universal service<sup>42</sup> by providing unique advantages to consumers in its proposed ETC designation area. Most importantly, the Company's provision of high-speed broadband Internet access and interconnected VoIP-enabled voice services using a new state-of-the-art, low-latency, FTTH network will provide enormous benefits that previously have been beyond the reach of consumers and businesses in many of Mississippi's rural areas. The FTTH network will ensure reliable access to gigabit tier broadband, thus enhancing educational programs, promoting business growth, generating jobs, and expanding cultural opportunities for Mississippi residents.

27. Designation of DE Fastlink as an ETC in Mississippi will also ensure the availability of quality services at just, reasonable, and affordable rates<sup>43</sup> by facilitating the provision of high-quality communications services to those living and working within its proposed ETC designation area.

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<sup>42</sup> ETC Checklist, § I.B.1.

<sup>43</sup> ETC Checklist, § I.B.2.

28. DE Fastlink seeks a waiver of the ETC Checklist requirement for the submission of a five-year improvements and upgrades plan. Such a waiver is appropriate because deployment obligations and timetables imposed on RDOF Phase I support recipients by the FCC are sufficient to ensure timely deployment of voice and broadband services, consistent with the policies reflected in the Commission's five-year plan requirement. Specifically, the FCC requires RDOF Phase I support recipients to commercially offer voice and broadband service to "40% of [a calculated] number of locations in a state by the end of the third full calendar year following funding authorization, and 20% each calendar year thereafter."<sup>44</sup> In addition, the FCC requires support recipients to file annual reports containing location and technology data, and to certify when they have met their service milestones.<sup>45</sup>

29. DE Fastlink meets all the statutory and regulatory requirements for designation as an ETC in the State of Mississippi and is in full compliance with all applicable Commission orders, rules, and regulations and, therefore, is in good standing with the Commission.<sup>46</sup>

IT IS, THEREFORE, ORDERED by the Commission that:

1. DE Fastlink, LLC's Application for Designation as an Eligible Telecommunications Carrier to Receive Rural Digital Opportunity Fund Phase I Auction (Auction 904) Support for Voice and Broadband Services in the State of Mississippi is hereby approved. Designation of DE Fastlink as an ETC in the State of Mississippi in the census blocks identified in Exhibit A and B of its ETC application is in the public interest.

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<sup>44</sup> *RDOF Order*, 35 FCC Rcd at 709 (¶ 45).

<sup>45</sup> *Id.* at 712 (¶ 56).

<sup>46</sup> ETC Checklist, § I.A.1.b.v.

2. DE Fastlink is hereby granted a waiver of the ETC Checklist requirement for the submission of a five-year improvements and upgrades plan. Such a waiver is appropriate because deployment obligations and timetables imposed on RDOF Phase I support recipients by the FCC are sufficient to ensure timely deployment of voice and broadband services, consistent with the policies reflected in the Commission's five-year plan requirement.

3. At least thirty days before offering service within its ETC designation area, DE Fastlink shall provide an informational tariff for its ETC designated areas in Exhibits A and B that outlines its regulatory contact information, customer service contact, terms, and conditions as well as Lifeline Programs. DE Fastlink will also post this same information on its website where rates, terms and conditions may be found.

4. DE Fastlink will file any future changes to its informational tariff with the Commission at least seven days prior to the effective date of change.

5. At least thirty days before offering service within its ETC designation area, DE Fastlink will provide Staff copies of marketing materials, including advertising specific to Lifeline.

6. DE Fastlink will comply, where applicable, with service and reporting requirements of the FCC's High-Cost and Lifeline Programs, the Commission's ETC Docket 2005-AD-662, and the Commission's Lifeline Docket 2007-AD-487.

7. Exceptions to this Recommended Order may be filed with the Commission within a period of fifteen (15) days from the date of issuance of this Order, in accordance with the provisions of Miss. Code Ann. § 77-3-40. If exceptions are not timely filed, this Recommended Order shall then become the Order of the Commission.

This Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.

SO ORDERED and this the 6<sup>th</sup> day of April, 2021.



MISSISSIPPI PUBLIC SERVICE COMMISSION

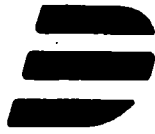
DANE MAXWELL, COMMISSIONER

ATTEST: A true copy

Katherine Collier, Executive Secretary

Effective this the 6<sup>th</sup> day of April, 2021.





# DE Fastlink

P.O. BOX 88, LAUREL MS 39441

833-521-3278

DEFASTLINK.NET

January 6, 2021

**FILED**

JAN 06 2021

**MISS. PUBLIC SERVICE  
COMMISSION**

Katherine Collier, Executive Secretary  
Mississippi Public Service Commission  
501 North West Street 201-A Woolfolk State Office Building  
Jackson, MS 39201

Re: Application of DE Fastlink, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1932, as amended

Dear Ms. Collier:

On behalf of DE Fastlink, LLC ("DE Fastlink"), please find the attached Application for Designation as an Eligible Telecommunications Carrier filed pursuant to Section 214(e)(2) of the Communications Act of 1934, as well as Exhibits A through H.

Please do not hesitate to contact me if you should have any questions regarding the enclosed ETC Application.

Respectfully Submitted,

Randy Smith  
President  
DE Fastlink, LLC  
1863 Hwy 184  
Laurel, MS 39441  
(601)425-2535  
randysmith@dixieepa.com

*Attachment*

**FILED**

**JAN 06 2021**

**BEFORE THE MISSISSIPPI  
PUBLIC SERVICE COMMISSION**

**MISS. PUBLIC SERVICE  
COMMISSION**

In the Matter of )  
 )  
Application of DE Fastlink, LLC )  
for Designation as an Eligible Telecommunications )  
Carrier to Receive Rural Digital Opportunity Fund )  
Phase I Auction (Auction 904) Support and )  
Lifeline Support for Voice and Broadband Services )

Docket No. **'21-UA-09**

**APPLICATION OF DE FASTLINK, LLC FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER  
REQUEST FOR EXPEDITED CONSIDERATION**

DE Fastlink, LLC ("DE Fastlink"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"),<sup>1</sup> Sections 54.201 and 54.202<sup>2</sup> of the rules and regulations of the Federal Communications Commission ("FCC"), and in accordance with the Mississippi Public Service Commission's ("Commission") requirements as set forth in in the Commission's Order Establishing Requirements for Eligible Telecommunications Carriers in Docket No. 05-AD-662, dated April 6, 2007, respectfully requests designation as a High-Cost and Low Income Eligible Telecommunications Carrier ("ETC") in the State of Mississippi in all areas where DE Fastlink, through its participation in the NRTC Phase I RDOF Consortium, was selected as a winner in the FCC's Rural Digital Opportunity Fund ("RDOF") Phase I Auction ("Auction 904") (the "RDOF Auction"),<sup>3</sup> as well as Lifeline-only ETC designation status in certain additional areas throughout its Mississippi service territory.

DE Fastlink will deploy broadband and interconnected VoIP services throughout the RDOF Phase I-eligible census blocks identified in Exhibit A and seeks ETC designation from

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<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.201 and 54.202.

<sup>3</sup> See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidder Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, DA 20-1422, (rel. Dec. 7, 2020) ("*Auction 904 Results Notice*").

the Commission to participate in both High-Cost and Low-Income programs of the federal Universal Service Fund in order to serve these census blocks. In addition, DE Fastlink seeks Lifeline-only ETC designation status in the additional service areas identified in **Exhibit B**.

DE Fastlink's receipt of RDOF funding is conditioned upon it obtaining designation as an ETC in the eligible census blocks by June 7, 2021.<sup>4</sup> As a result, DE Fastlink requests expeditious action by the Commission so that it may meet this requirement. Section 214(e)(2) of the Act authorizes the Commission to designate a company that meets the requirements of Section 214(e)(1) of the Act, such as DE Fastlink, as an ETC. As demonstrated in this Application, DE Fastlink meets all state and federal requirements for ETC designation, and, as shown by the description herein of DE Fastlink's planned voice and broadband deployment projects, designating company as an ETC in the proposed areas would advance the goals of universal service and is in the public interest.

In support of this Application, DE Fastlink states as follows:

**I. BACKGROUND**

DE Fastlink is a Mississippi company headquartered at 1863 Hwy 184 Laurel, MS 39441.

DE Fastlink is a wholly-owned subsidiary of Dixie Electric Power Association (Dixie Electric). Dixie Electric is a non-profit electric distribution cooperative that has been providing electric distribution services throughout eastern Mississippi since 1938. Today, Dixie Electric serves 33,263 homes and 39,886 meters with 4,986 miles of lines primarily in Jasper, Covington, Jones, Perry, Clarke, Wayne and Forrest Counties. Dixie Electric is dedicated to supporting its customers and economic development in the communities it serves. As such, DE Fastlink was

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<sup>4</sup> *Auction 904 Results Public Notice*, para. 17 on p. 7.

created in October 2020 for the purpose of providing high-speed and affordable Internet service within Dixie Electric's service area.

With assistance from Mississippi's allocation of federal CARES Act funding, Dixie Electric began constructing its new state-of-the-art fiber optic network and offering high-speed broadband Internet access throughout southeastern Jones County and northwestern Perry County in the fourth quarter of 2020, as part of a two-phase project that will result in approximately 206 miles of fiber optic cable being installed. Dixie Electric will continue to expand its fiber optic network throughout the RDOF Phase-I eligible census blocks identified in **Exhibit A** and the additional service areas identified in **Exhibit B** and DE Fastlink will offer high-speed broadband Internet access and VoIP services to customers who currently lack access to such services.

## **II. COMMUNICATIONS AND CORRESPONDENCE**

Pleadings, orders, notices, or other correspondence and communications regarding this Application should be provided to:

Name: Randy Smith  
Title: President  
Company: DE Fastlink, LLC  
Address: PO Box 88/ 1863 Hwy 184, Laurel, MS 39441  
Telephone Number: (601) 425-2535 ext. 102  
Email: randysmith@dixieepa.com

With a copy to:

Name: Aaron Zumwalt  
Title: Administration and Finance Manager  
Company: Dixie Electric Power Association  
Address: PO Box 88/1863 Hwy 184, Laurel, MS 39441  
Telephone Number: (601) 425-2535 ext. 117  
Email: aaronzumwalt@dixieepa.com

## **III. DE FASTLINK'S PARTICIPATION IN THE FCC'S RDOF AUCTION**

### **A. Background on the RDOF Auction**

On January 30, 2020, the FCC adopted the *Rural Digital Opportunity Fund Report and Order*,<sup>5</sup> establishing the framework for the RDOF including the use of reverse auctions in two phases. The RDOF was implemented to provide \$20.4 billion to connect millions of rural homes and businesses to high-speed broadband networks as part of the FCC's biggest step to close the digital divide.<sup>6</sup> On July 11, 2020, the FCC adopted final procedures for Phase I of the RDOF Auction, which utilized competitive bidding to allocate up to \$16 billion over ten years to service providers that commit to offer voice and broadband services to fixed locations in eligible unserved high-cost census blocks.<sup>7</sup>

#### **B. DE Fastlink's Selection as a Winning Bidder**

The RDOF Auction began on October 29, 2020 and completed on November 25, 2020. On December 7, 2020, the FCC issued a Public Notice, officially announcing the results of the competitive bidding.<sup>8</sup> The FCC provisionally selected the NRTC Phase I RDOF Consortium as a winning bidder for a total number of locations throughout Mississippi.<sup>9</sup> The NRTC Phase I RDOF Consortium was formed by Dixie Electric and other electric distribution cooperatives in order to participate in the RDOF Auction. Pursuant to the FCC bidding rules, the NRTC Phase I RDOF Consortium subsequently assigned a portion of the total locations won in Mississippi to DE Fastlink.

As a recipient of RDOF support, DE Fastlink is required to offer at least one standalone voice plan and one service plan providing broadband at speeds of at least 1 Gbps with a latency at or below 100 ms. DE Fastlink is required to buildout to 40% of the requisite number of locations

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<sup>5</sup> See generally *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

<sup>6</sup> Id.

<sup>7</sup> *Auction 904 Procedures Public Notice*, para. 1.

<sup>8</sup> *Auction 904 Results Public Notice*, Attachment A. at p. 18.

<sup>9</sup> Id.

in Mississippi within three years of authorization.<sup>10</sup> This performance benchmark increases by 20% by the end of the fourth and fifth years of support.<sup>11</sup> By the end of year six, revised location totals will be announced.<sup>12</sup> If there are fewer locations than originally estimated by the cost model, DE Fastlink must serve the revised number of locations by the end of the sixth year of support.<sup>13</sup> If there are more locations than originally estimated by the cost model, DE Fastlink must serve the original number of locations estimated by the cost-model by the end of the sixth year of support and must serve the rest of the locations by the end of the eighth year of support.<sup>14</sup>

### **C. Need for Expedited ETC Designation**

The FCC's rules for the RDOF Auction did not require that participants be an ETC as of the initial short-form application filing deadline.<sup>15</sup> Instead, a winning bidder that is awarded support is expected to obtain an ETC designation (encompassing receipt of high-cost support) for the areas covered by its successful bids within 180 days after being announced as a winning bidder.<sup>16</sup> Winning bidders must submit appropriate documentation of such ETC status to the FCC.<sup>17</sup> As noted, DE Fastlink has been awarded RDOF support in census block groups in Mississippi. Because the timeframe for DE Fastlink to obtain ETC designation is short and the consequences of failure to do so are severe, DE Fastlink respectfully requests that the Commission review this Application promptly and grant it ETC designation in the Proposed Service Area on an expedited basis.

## **IV. DE FASTLINK AND ITS TECHNICAL QUALIFICATIONS**

### **A. DE Fastlink's Expertise and Experience**

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<sup>10</sup> *Auction 904 Procedures Public Notice*, para. 17.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Auction 904 Procedures Public Notice*, para. 136.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

DE Fastlink is qualified to meet applicable RDOF obligations given that Dixie Electric has already built a portion of its fiber network in compliance with requirements under CARES Act funding. DE Fastlink will leverage Dixie Electric's technical and commercial success as a provider of electric distribution services in the proposed ETC designation area. DE Fastlink is proud to have at its disposal Dixie Electric's staff of experienced engineers that are familiar with the residents and businesses in the proposed ETC designation area and have established relationships with contractors and officials in the proposed ETC designation area. This expertise made it possible for Dixie Electric to confidently participate in the RDOF Auction with the certainty that DE Fastlink will be able to fulfill its obligations. Dixie Electric has experience managing the technical and customer service-related issues associated with the provision of electric distribution services. DE Fastlink will apply the same level of customer service and network monitoring to its broadband and voice customers.

#### **B. DE Fastlink's Services and Network Architecture**

DE Fastlink was founded to jump-start high-speed Internet service in an area that has been mostly unserved or underserved. With CARES Act funding, Dixie Electric was able to begin construction on its new, state-of-the-art, low-latency, 206-mile fiber-to-the-home ("FTTH") network, over which DE Fastlink will provide affordable high-speed broadband and Voice over Internet Protocol ("VoIP") services throughout Dixie Electric's service area, which largely lacks access to such high-speed, broadband services. Through the expansion of Dixie Electric's FTTH network, DE Fastlink will offer broadband and voice services to customers in the proposed ETC designation area. These customers are expected to total approximately 3,758 voice customers and 15,030 broadband customers at the end of the first five years.



Dixie Electric's FTTH network will be the backbone of the high-speed, reliable services on which DE Fastlink's customers will rely. DE Fastlink will leverage Dixie Electric's FTTH network to provide customers with competitively superior broadband and voice services now and into the future. DE Fastlink plans to initially offer residential Internet service at the following bi-directional speeds and prices with no data caps, no contracts and free installation: 100/100 Mbps at \$64.95/mo., 500/500 Mbps at \$74.95/mo. and 1/1 Gbps at \$84.95/mo. DE Fastlink will also offer business Internet service. DE Fastlink is currently conducting market research to determine what mix of services potential customers would prefer and the terms upon which the services are offered. DE Fastlink will make services available based on demand. As a result, DE Fastlink has not yet determined specific details of its rates and services to be offered to business Internet customers. Nonetheless, the following are representative examples of the business Internet services DE Fastlink initially plans to offer: 100/100 Mbps at \$79.95/mo., 500/500 Mbps at \$89.95/mo. and 1/1 Gbps at \$99.95/mo., with no data caps, no contracts and free installation.

DE Fastlink will provide voice services through its provision of VoIP. DE Fastlink will resell the VoIP services of Alianza, Inc. ("Alianza"), a wholesale VoIP provider, and repackage the service to offer VoIP over its own fiber-based facilities. DE Fastlink initially plans to offer these services at the following rates: \$29.95/mo. for standalone service and \$24.95/mo. when bundled with Internet. DE Fastlink's VoIP service will include the following features and capabilities: unlimited long distance, caller-ID, call waiting, E911, call return, robo call blocking, personalized user portal, call detail records via portal, call forwarding (with failover), caller ID blocking, simultaneous ring, three-way calling, voicemail, missed call alert via email and hunting/rollover calls. Accordingly, grant of this application is vital for consumers in rural Mississippi to be able to receive high-speed broadband and voice service.

**V. COMMISSION HAS AUTHORITY TO DESIGNATE DE FASTLINK AS AN ETC**

The Commission has the authority to designate DE Fastlink as an ETC, pursuant to Section 214(e)(2) of the Act, for the Proposed Service Area. Pursuant to Section 214(e)(2) of the Act, a State commission shall, upon its own motion or upon request, designate a common carrier, who meets the requirements of Section 214(e)(1), as an ETC for purposes of receiving universal service support in a service area designated by the State commission.<sup>18</sup> Sections 54.201(c) and (d) of the FCC's rules reflect the provisions of Section 214(e) of the Act and provide that, "upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements" of Section 54.201(d) of the FCC's rules.<sup>19</sup>

Further, the Commission has authority under Commission's requirements as set forth in in the Commission's Order Establishing Requirements for Eligible Telecommunications Carriers in Docket No. 05-AD-662, dated April 6, 2007. Therefore, the Commission has jurisdiction over DE Fastlink's designation request and has the authority to designate DE Fastlink as an ETC for purposes of receiving universal service support in the proposed ETC designation area.

**VI. DE FASTLINK MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION**

DE Fastlink meets all applicable federal and state requirements for designation as an ETC in Mississippi. As shown below, DE Fastlink meets the requirements outlined in Section

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<sup>18</sup> 47 U.S.C. §§ 214(e)(1)-(2).

<sup>19</sup> 47 C.F.R. §§ 54.201(c)-(d).

214(e)(1) of the Act<sup>20</sup> and Section 54.201(d) of the FCC's rules,<sup>21</sup> as well as the additional requirements for ETC designation under Section 54.202 of the FCC's rules.<sup>22</sup> DE Fastlink also meets the requirements outlined in the Commission's Order Establishing Requirements for Eligible Telecommunications Carriers in Docket No. 05-AD-662, dated April 6, 2007.

**A. DE Fastlink Meets All Federal Requirements For ETC Designation**

DE Fastlink meets all criteria for designation as an ETC under federal law. Specifically:

- 1) For purposes of this designation, DE Fastlink will provide service on a common carrier basis.

DE Fastlink will be a common carrier by virtue of its provision of interconnected VoIP on a common carrier basis. As such, DE Fastlink is a common carrier. (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));

- 2) DE Fastlink will provide voice and broadband services using a combination of its own facilities and resale of another carrier's services. Specifically, DE Fastlink will be a facilities-based broadband Internet access and VoIP services provider. DE Fastlink will leverage Dixie Electric's expanding aerial, fiber-optic network to deliver voice and broadband services between DE Fastlink's central office building and the customer premise. DE Fastlink has partnered with Alianza to offer interconnected VoIP service over its network. Therefore, DE Fastlink will offer the supported services using its own facilities or a combination of its own facilities and resale of another carrier's services. (47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)).

- 3) As required by Section 54.101 of the FCC's rules,<sup>23</sup> DE Fastlink will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities:

<sup>20</sup> 47 U.S.C. §§ 214(e)(1).

<sup>21</sup> 47 C.F.R. §§ 54.201(d).

<sup>22</sup> 47 C.F.R. §§ 54.201(c).

<sup>23</sup> 47 C.F.R. § 54.101.

Voice Grade Access To The Public Switched Telephone Network – DE Fastlink will meet this requirement through its provision of VoIP service that includes minutes of use for local service provided at no charge to end users (*i.e.*, plans generally offer 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. DE Fastlink certifies that its interconnected VoIP service, in partnership with Alianza, satisfies the FCC’s definition of voice telephony service.

Local usage “means an amount of minutes of use of exchange services, prescribed by the FCC, provided free of charge to end users.”<sup>24</sup> The FCC has not specified a minimum amount of local usage that an ETC must offer. DE Fastlink will meet the local usage requirement by including local usage in its rate plans. DE Fastlink will comply with any minimum local usage requirements adopted by the FCC or this Commission. DE Fastlink’s VoIP service offering will provide customers with access to 911 and enhanced 911 to the extent local governments have implemented such services. DE Fastlink will rely on its contractual arrangement with Alianza to provide such emergency services to customers. Finally, with respect to toll limitation service, there is no requirement to provide toll limitation services if the Lifeline offering provides a set number of minutes that do not distinguish between toll and non-toll calls.<sup>25</sup> The VoIP service offering that will be provided by DE Fastlink does not distinguish between toll and non-toll calls. Accordingly, DE Fastlink is not required to provide toll limitation services and currently has no plans to offer this service. (47 C.F.R. § 54.101(a)(1)).

Broadband Internet Access Services – DE Fastlink’s broadband Internet access service provides the capability to transmit data to and receive data by wire or radio from all or

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<sup>24</sup> 47 C.F.R. § 54.101(a)(2).

<sup>25</sup> 47 C.F.R. § 54.401(a)(2).

substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. DE Fastlink certifies that its provision of high-speed broadband Internet over its fiber-based facilities satisfies the FCC's definition of broadband Internet access and it will therefore provide all services designated for support by the FCC. (47 C.F.R. § 54.101(a)(2)).

DE Fastlink commits to provide these services consistent with applicable high-cost universal service support rules (47 C.F.R. § 54.101(c)). DE Fastlink will also offer Lifeline service as required by the FCC's rules within its proposed ETC designation area. (47 C.F.R. § 54.101(d));

- 4) DE Fastlink will offer voice telephony as a standalone service and both voice telephony and broadband service at rates that are reasonably comparable to urban rates;<sup>26</sup>
- 5) DE Fastlink will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)), namely through a combination of digital and traditional media, such as the Internet, outbound Email, advertising via radio, newspapers, magazines or other print advertisements, outdoor advertising, or direct marketing, and will also publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. DE Fastlink's advertising strategy will build on Dixie Electric's extensive advertising and public outreach experience in operating as a member-owned, non-profit electric cooperative in the area since 1938. (47 C.F.R. § 54.405(b));

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<sup>26</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; *see also* 47 C.F.R. § 54.101(b).

- 6) DE Fastlink will provide the supported services throughout the designated service area for which it seeks ETC designation, identified in **Exhibits A and B**. (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- 7) DE Fastlink certifies that, in accordance with 47 U.S.C. § 254(e), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.
- 8) DE Fastlink possesses the financial and technical capability to provide the supported services. With the financial backing of Dixie Electric, DE Fastlink will offer high-speed broadband Internet and voice services to both Lifeline and non-Lifeline customers in the proposed ETC designation area and has full financial capabilities to underwrite its share of construction and start-up expenses (e.g., construction, hardware, operations, etc.) to get its fiber optic network built and begin offering voice and broadband services. As stated, Dixie Electric has been operating as an electric distribution services provider in Mississippi since 1938. DE Fastlink does not, and will not, rely on universal service fund disbursements to operate. DE Fastlink and/or Dixie Electric will be able to obtain the requisite amount of lending under its existing lines of credit and DE Fastlink and/or Dixie Electric will be able to obtain additional financing, if necessary, in addition to the RDOF Phase I support being made available to DE Fastlink. Finally, DE Fastlink has not been subject to any enforcement proceedings or ETC revocation proceedings. DE Fastlink will leverage Dixie Electric's experience in maintaining and upgrading utility infrastructure. Accordingly, DE Fastlink is capable of managing, maintaining and repairing infrastructure for support of the proposed services. (47 C.F.R. § 54.202(a)(4));

- 9) DE Fastlink further certifies that it meets all of the applicable requirements for designation as an ETC<sup>27</sup> under 47 C.F.R. § 54.202 as follows:

Compliance With Applicable Service and Performance Quality Requirements. DE Fastlink certifies that it will comply with the service requirements applicable to the support that it receives,<sup>28</sup> including the requirements of the RDOF Auction. DE Fastlink's capabilities for providing the services in accordance with these requirements will be detailed in its FCC Form 683 long form application<sup>29</sup> and are incorporated by reference. Additionally, DE Fastlink certifies that it will comply with the ETC-specific commitments required by the FCC in its *2005 ETC Order*.<sup>30</sup> The FCC has waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process and to demonstrate that it will satisfy applicable consumer protection and service quality standings, as part of the ETC designation process for RDOF Phase I-eligible census blocks.<sup>31</sup> Further, given that DE Fastlink seeks ETC designation for Lifeline support only in additional service areas, a five-year network improvement plan is not provided. DE Fastlink is currently subject to and complies with all state and federal consumer protection requirements and service quality standards applicable to its operations. DE Fastlink has not been the subject of any serious consumer complaints or investigations. DE

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<sup>27</sup> *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*)(waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

<sup>28</sup> 47 C.F.R. § 54.202(a)(1)(i).

<sup>29</sup> See DE Fastlink's Form 683 Long Form Application.

<sup>30</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and order, FCC 05-46 (rel. Mar. 17, 2005)(*"2005 ETC Order"*).

<sup>31</sup> *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*)(waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).



Fastlink certifies that it will continue to prioritize complying with all applicable consumer protection and service quality standards to satisfy this requirement.

Ability to Remain Functional in Emergency Situations. DE Fastlink hereby certifies that it will be able to function in emergency situations as set forth in Section 54.202(a)(2) of the FCC's rules.<sup>32</sup> DE Fastlink will establish reasonable provisions to meet emergencies resulting from failures of power service, sudden and prolonged increases in traffic, illness of operators or other credible emergency situations. These plans will include provisions to supply a reasonable amount of emergency power and contain activation, required staffing, escalation, and communication procedures to deal with such emergencies. DE Fastlink's voice and broadband network is designed to remain functional in emergency situations without an external power source, reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations as required by Section 54.202(a)(2) of the FCC's rules.<sup>33</sup>

DE Fastlink's ground-based facilities will be equipped with power generators and sufficient fuel to operate for several days so as to mitigate power outages. More specifically, DE Fastlink's central office building and electric equipment will be supplied with standby generators and battery back-up to enable the central office building to keep running until power is restored so long as fuel is available or until system changes are made to reroute traffic. DE Fastlink's generators and battery back-up will support both voice and broadband network equipment should an emergency situation occur.

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<sup>32</sup> Section 54.202(a)(2) requires ETCs that are designated by the Commission to "demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations."

<sup>33</sup> 47 C.F.R. § 54.202(a)(2).

DE Fastlink's network will be capable of managing traffic spikes resulting from emergency situations since it can change call routing translations as needed to reroute traffic around damaged facilities. The design of these facilities contains multiple levels of redundancy and autonomy that also mitigate the need for dedicated human interaction. DE Fastlink plans to apply this successful model to service customers in the proposed ETC designation area.

**VII. DE FASTLINK MEETS THE FEDERAL STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS A LIFELINE-ONLY ETC IN THE ADDITIONAL CENSUS BLOCKS.**

As demonstrated herein, DE Fastlink satisfies each of the federal statutory and regulatory requirements to be designated as a Lifeline-only ETC in the additional census blocks requested.

**A. Service Plans**

DE Fastlink will offer voice and broadband Lifeline service consistent with the rules of the FCC, including the minimum service standards for Lifeline service set forth in Sections 54.408(b)(1) and (c) of the FCC's rules. DE Fastlink plans to offer the applicable monthly Lifeline discount on any of the voice and/or broadband plans that it offers to its non-Lifeline subscribers.

**B. Verification Requirements**

DE Fastlink will provide Lifeline service only to customers whose eligibility is confirmed via the National Verifier. Customers wishing to apply for federal Lifeline benefits will be instructed to apply to the National Verifier either by submitting an application online or via U.S. Mail.

**C. Lifeline Obligations**

1. DE Fastlink will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.<sup>34</sup>

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<sup>34</sup> 47 C.F.R. § 54.405(b).

2. DE Fastlink will indicate on all materials describing the Lifeline service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible customers may enroll in the program, and the program is limited to one discount per household.<sup>35</sup>

3. DE Fastlink will disclose its name on all materials describing the service.<sup>36</sup>

4. DE Fastlink will de-enroll Lifeline subscribers when it has a reasonable basis to believe that the Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer in compliance with Section 54.409 of the FCC's Rules.<sup>37</sup>

#### **D. Minimum Service Standards**

DE Fastlink will meet the minimum service standards for Lifeline service, as set forth in Sections 54.408(b)(1) and (c) of the FCC's rules.

#### **E. Annual Certifications**

DE Fastlink will comply with the annual certification requirements set forth in Section 54.416 of the FCC's rules, including the requirement to provide, on an annual basis, the results of its re-certification efforts to the FCC.

#### **F. Recordkeeping Requirements**

DE Fastlink will comply with applicable recordkeeping requirements, as set forth in Section 54.417 of the FCC's Rules.

#### **G. Annual Reporting Requirements**

DE Fastlink will comply with applicable annual reporting requirements, as set forth in Section 54.422 of the FCC's Rules, including the requirement to file such reports with the FCC.

### **VIII. DESIGNATION OF DE FASTLINK AS AN ETC IS IN THE PUBLIC INTEREST**

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<sup>35</sup> 47 C.F.R. § 54.405(c).

<sup>36</sup> 47 C.F.R. § 54.405(d).

<sup>37</sup> 47 C.F.R. § 54.405(e).

Designation of DE Fastlink as an ETC serves the public interest by allowing DE Fastlink to bring high-speed broadband Internet and VoIP services to underserved locations in the designated census blocks, including to low-income households that qualify for Lifeline discounts. The grant of this Application will clearly serve the public interest by enabling DE Fastlink to provide low-latency, gigabit-speed broadband and interconnected VoIP-based voice services to residents and businesses in its proposed ETC designation area, as well as to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. DE Fastlink's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans ....,"<sup>38</sup> and will aid the Commission's objective of ensuring that federal universal service support, including RDOF Phase I support, is used efficiently and effectively.

As a recipient of RDOF support, DE Fastlink is eligible to receive funding support over the next ten years to bring high-quality, innovative voice and broadband services to consumers in locations in Mississippi for which it was identified as a winning bidder. As is evidenced herein and will be confirmed by DE Fastlink's Form 683 long form application, the voice and broadband services DE Fastlink proposes to deploy with the funds would advance the goal of the RDOF Auction and thereby advance the goals of universal service.<sup>39</sup>

Granting DE Fastlink's Application will serve the public interest through the deployment of broadband and voice services to unserved and underserved high-cost areas in Mississippi, support investment in facilities and equipment, and expand the number of competitive providers serving rural areas in Mississippi. DE Fastlink's deployments will also help to close the digital

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<sup>38</sup> 47 U.S.C. § 1302(a).

<sup>39</sup> 47 U.S.C. § 254.

divide for residents of Mississippi and expand economic opportunity for communities that will benefit from increased connectivity. Designating DE Fastlink as an ETC will also help promote economic and job growth in Mississippi through the employment of DE Fastlink's network of independent installers and dealers. Because granting DE Fastlink's Application will allow it to use the RDOF support as intended to expand voice and broadband service in Mississippi, designating DE Fastlink as an ETC is in the public interest.

Furthermore, the funds provisionally awarded to DE Fastlink through the RDOF Auction will come directly from the funds annually set aside by the FCC for RDOF support. Therefore, DE Fastlink's use of the Universal Service Fund for the provision of the services described herein will have no *per se* impact on the funds. The RDOF funding was awarded pursuant to a competitive bidding process that was designed to allocate this set-aside finding to the service providers that could demonstrate that they could efficiently and cost-effectively provide the desired level of services to the underserved areas. Additionally, any Lifeline support that DE Fastlink receives will have *de minimis* impact on the fund, which the FCC has determined would be outweighed by the benefit of increasing participation in the Lifeline program. Finally, all providers are required to contribute a portion of their interstate revenues to the Universal Service Fund. In accordance with federal regulations, DE Fastlink will contribute to the Universal Service Fund based upon the portion of its revenues determined to be interstate. Thus, approving DE Fastlink as an ETC will create contributions to the Universal Service Fund that were previously nonexistent.

#### **IX. ANTI-DRUG ABUSE CERTIFICATION**

DE Fastlink certifies that neither the petitioner nor any party to the petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug

Abuse Act of 1988.<sup>40</sup>

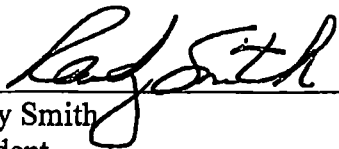
## **X. CONCLUSION**

For the reasons stated herein, DE Fastlink respectfully requests (i) an expeditious Order designating it as a High-Cost and Low income ETC in Mississippi so that DE Fastlink will be eligible to receive the RDOF Phase I support it has been awarded in the FCC's Auction 904, as well as provide Lifeline subsidies to those within its proposed ETC designation area who are qualified to receive Lifeline benefits; and (ii) such other relief as this Commission deems to be just and equitable.

January 06, 2021

Respectfully submitted,

DE Fastlink, LLC

By:   
Randy Smith  
President  
DE Fastlink, LLC  
1863 Hwy 184  
Laurel, MS 39441  
(601)425-2535  
randysmith@dixieepa.com

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<sup>40</sup> [21 U.S.C. § 862], as implemented in Section 1.2002 of the Commission's rules [47 C.F.R. § 1.2002].

## **LIST OF EXHIBITS**

**Exhibit A** – List of Census Block Groups Where DE Fastlink was Awarded RDOF Auction Support and is Seeking ETC Designation for High-Cost and Lifeline Support

**Exhibit B** – List of Census Block Groups Where DE Fastlink Seeks ETC Designation for Lifeline Only Support

**Exhibit C** – Map of Service Area Depicting Where DE Fastlink Seeks ETC Designation

**Exhibit D** - Certification

**Exhibit E** – Certificate of Good Standing

**Exhibit F** – Notice of Interested Parties

**Exhibit G** – Certificate of Service

**Exhibit H** – Sample Lifeline Advertisement



## **EXHIBIT A**

**List of Census Block Groups Where DE Fastlink was Awarded RDOF  
Auction Support and is Seeking ETC Designation for High-Cost and Lifeline Support**

**Census Block Group ID**

280319504004	281119501011
280350101011	281119501014
280350101012	281119501021
280350101021	281119501022
280350101022	281539501001
280350101023	281539501002
280350103003	281539501003
280350104002	281539501004
280679501001	281539502003
280679501005	281539502005
280679502002	281539503001
280679503011	281539503002
280679503021	281539503003
280679503022	281539503004
280679504011	281539504001
280679504012	281539504003
280679505003	281539504004
280679508001	
280679508002	
280679508003	
280679508004	
280679508005	
280679509002	
280679509003	
280679509004	
280679509005	
280679511001	
280679511003	
280679511004	
280679800001	

## **EXHIBIT B**

### **List of Census Block Groups Where DE Fastlink Seeks ETC Designation for Lifeline Only Support**

#### **Census Block Group ID**

280350103002  
280350104001  
280679501004  
280679502001  
280679502003  
280679502004  
280679503012  
280679503013  
280679511002  
281119502001  
280350102001  
280350102002  
281119501013  
281119502002  
281539502001  
281539502002  
281539502004

**Note: DE Fastlink requests Lifeline-only ETC designation throughout its parent electric cooperative's, Dixie Electric Power Association, entire electric service territory in Mississippi.**