

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

TISHOMINGO CONNECT, LLC

DOCKET NO. 2021-UA-010

RE: APPLICATION OF TISHOMINGO CONNECT, LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

RECOMMENDED ORDER

On January 6, 2021, Tishomingo Connect, LLC (“Tishomingo” 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,¹ seeking ETC designation in all areas where Tishomingo 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 Tishomingo for designation as an ETC.

Tishomingo is a Mississippi company headquartered at PO Box 560 (205 Constitution Drive), Iuka, MS 38852. Tishomingo is a wholly-owned subsidiary of Tishomingo County Electric Power Association (Tishomingo County Electric). Tishomingo County Electric is a non-

¹ *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).

profit electric distribution cooperative that has been providing electric distribution services throughout northeastern Mississippi since 1936. Today, Tishomingo County Electric serves approximately 13,500 homes and businesses and maintains nearly 1,300 miles of distribution lines primarily in Tishomingo County and portions of Alcorn, Prentiss and Itawamba Counties. Tishomingo County Electric is dedicated to supporting its customers and economic development in the communities it serves. As such, Tishomingo was created in 2020 for the purpose of providing high-speed, reliable and affordable Internet service within Tishomingo County Electric's service area.

With funding awarded through the Mississippi Electric Cooperatives Broadband COVID-19 Grant, Tishomingo County Electric began constructing a new state-of-the-art fiber optic network. Tishomingo County 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 Tishomingo will offer high-speed broadband Internet access and VoIP services to customers who currently lack access to such services. Tishomingo plans to begin offering high-speed broadband and voice services to customers in the first quarter of 2021.

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.² The FCC allocated

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

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 I RDOF Consortium (“NRTC”) was a winning bidder in the RDOF Phase I auction.³ Tishomingo, a member of the NRTC, was assigned 669 of the census blocks in Mississippi awarded by the NRTC which includes a total of 4,916 eligible locations. As a result, Tishomingo is slated to receive a total of \$10,980,762.30 of RDOF Phase I support over 10 years.⁴

3. On February 2, 2021, the Commission issued an Order referring Tishomingo’s ETC application to Commissioner Brandon Presley, 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 Tishomingo on January 29, 2021, and Tishomingo submitted its Responses to Staff on February 24, 2021.

5. Tishomingo’s receipt of RDOF Phase I Auction funding is conditioned upon Tishomingo obtaining designation as a High-Cost and Low-Income ETC in the census blocks identified in Exhibit A and Exhibit B of its ETC application. By June 7, 2021, absent a waiver being granted by the FCC, Tishomingo must obtain ETC designation in all of the census blocks in which Tishomingo 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

³ *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).

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

support.”⁵ 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.”⁶

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[,]”⁷ and that “Section 77-3-35 explicitly authorizes the Commission to regulate and further the provision of universal service”⁸ Therefore, the Commission has the authority and the primary responsibility under federal law to designate Tishomingo 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.

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

⁵ 47 U.S.C. § 254(e).

⁶ *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)).

⁷ *November 2012 Order* at 3 (¶ 8).

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

⁹ 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).

¹⁰ 47 U.S.C. § 214(e).

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,¹¹ either by using its own facilities or a combination of its own facilities and the resale of another carrier's services. Tishomingo 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.¹²

10. Tishomingo 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 organizations. If required, Tishomingo 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.¹³

11. Tishomingo'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.¹⁴ Tishomingo County

¹¹ 47 CFR § 54.101(a).

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

¹³ *Id.*, §§ 54.400-54.423. Tishomingo'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). Tishomingo 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 Tishomingo.

¹⁴ 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").

Electric's FTTH network will be the backbone of the high-speed services on which Tishomingo's customers will rely. Tishomingo will leverage Tishomingo County Electric's FTTH network to provide customers with competitively superior broadband and voice services now and into the future. Tishomingo plans to initially offer residential Internet service at the following bi-directional speeds and prices with equipment included, no data caps, no contracts and free installation: 200 Mbps at \$60.00/mo. and 1 Gbps at \$80.00/mo. The router and modem will be included in the service installation. Tishomingo will retain ownership of the equipment and will not charge a monthly lease fee.

12. As required by Section 54.405(a) of the FCC's rules,¹⁵ Tishomingo will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering, to qualifying low-income consumers within its proposed ETC designation area and in accordance with the FCC's rules.¹⁶

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

¹⁵ *Id.*, § 54.405(a).

¹⁶ *Id.*, §§ 54.400-54.423.

¹⁷ See ETC Checklist, § I.A.1.b.vi.

¹⁸ 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").

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;¹⁹

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;²⁰

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;²¹

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;²² 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.²³

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

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

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

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

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

14. Tishomingo'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.²⁴

15. Tishomingo 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.²⁵

16. Under the FCC's regulations, an ETC applicant must "[d]emonstrate that it will satisfy applicable consumer protection and service quality standards."²⁶ Tishomingo commits to satisfying all FCC requirements related to consumer protection and service quality standards. In addition, with respect to Lifeline service, Tishomingo 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.²⁷

17. Tishomingo commits that it will offer the supported services specified in Section 214(e)(1)(A) of the Act²⁸ throughout its proposed ETC designation area.²⁹

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

²⁵ 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"). Tishomingo's commitment also satisfies the requirements of Section I.A.2.a. of the ETC Checklist (emergency operations).

²⁶ 47 CFR § 54.202(a)(3).

²⁷ *Id.*, § 54.422(b)(3).

²⁸ 47 U.S.C. § 214(e)(1)(A).

²⁹ ETC Checklist, § I.A.1.b.iv.

18. Tishomingo commits to comply with: (1) all applicable provisions of the Commission's Rules and Regulations Governing Public Utility Service;³⁰ (2) "designated service quality standards applicable to each carrier;"³¹ 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.³²

19. Tishomingo 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,³³ and that it will include Lifeline services in its advertising materials.³⁴ Tishomingo will communicate its fiber availability and construction progress to its potential customers³⁵ in three or more, or any combination of, the following methods:

- 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

³⁰ *Id.*, § I.A.3.b.i.

³¹ *Id.*, § I.A.3.b.ii.

³² *Id.*, § I.A.3.b.iii.

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

³⁴ ETC Checklist, § I.A.1.b.i.

³⁵ Nothing herein shall be interpreted to require the disclosure of any competitive data or information by Tishomingo. Tishomingo may in its business judgment determine the timing of such communications. Tishomingo 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, Tishomingo shall also provide its best estimate as to service availability in response to customer inquiries.

g. Other forms of advertising.

20. Tishomingo 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.³⁶ Tishomingo commits to implement its Lifeline plans in accordance with the current rules and policies adopted by the FCC.

21. Tishomingo 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. Tishomingo'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. Tishomingo 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.³⁷

23. As a prerequisite to receiving RDOF support, Tishomingo is required to certify 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."³⁸ With respect to financial resources, Tishomingo will be able to rely on Tishomingo County Electric for loan funds at market rates, advances of capital and loaned or leased employee support by Tishomingo, if necessary, in addition to the RDOF Phase I support being made available to the Applicant. In addition, Tishomingo must obtain an irrevocable

³⁶ *Id.*, § I.A.1.b.ii.

³⁷ *Id.*, § I.A.2.b.

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

standby letter of credit from a bank acceptable to the FCC.³⁹ Therefore, Tishomingo is financially capable of providing supported services in accordance with FCC and Commission rules.

24. With respect to technical capabilities, Tishomingo 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.⁴⁰ Further, Tishomingo 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.”⁴¹ These various FCC requirements ensure that Tishomingo 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.

25. Designating Tishomingo 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. Tishomingo 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

³⁹ *Id.* at 6177 (¶ 319).

⁴⁰ *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.*

⁴¹ *Id.* at 6171 (¶ 307).

create jobs and boosting the economy. Approval of Tishomingo'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. Tishomingo's service offerings will preserve and advance universal service⁴² 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 Tishomingo as an ETC in Mississippi will also ensure the availability of quality services at just, reasonable, and affordable rates⁴³ by facilitating the provision of high-quality communications services to those living and working within its proposed ETC designation area.

28. Tishomingo 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

⁴² ETC Checklist, § I.B.1.

⁴³ ETC Checklist, § I.B.2.

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.”⁴⁴ 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.⁴⁵

29. Tishomingo 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.⁴⁶

IT IS, THEREFORE, ORDERED that:

1. Tishomingo’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 Tishomingo as an ETC in the State of Mississippi in the census blocks identified in Exhibit A and Exhibit B of its ETC application is in the public interest.

2. Tishomingo 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.

⁴⁴ *RDOF Order*, 35 FCC Rcd at 709 (¶ 45).

⁴⁵ *Id.* at 712 (¶ 56).

⁴⁶ ETC Checklist, § I.A.1.b.v.

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

4. Tishomingo 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, Tishomingo will provide Staff copies of marketing materials, including advertising specific to Lifeline.

6. Tishomingo 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.

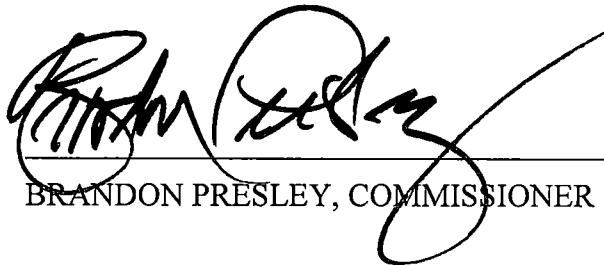
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This Order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket.


SO ORDERED and this the 5th day of April, 2021.



MISSISSIPPI PUBLIC SERVICE COMMISSION


BRANDON PRESLEY, COMMISSIONER

ATTEST: A true copy


Katherine Collier, Executive Secretary

Effective this the 5th day of April, 2021.



FILED

JAN 06 2021

**MISS. PUBLIC SERVICE
COMMISSION**

January 6, 2021

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

Re: Application of Tishomingo Connect, 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 Tishomingo Connect, LLC ("Tishomingo"), 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,

Cody Durham
Assistant General Manager
Tishomingo Connect, LLC
PO Box 560
205 Constitution Dr.
Iuka, MS 38852
662.279.4899
cody.durham@tcepa.com

Exhibit A

Attachment

205 Constitution DR (P.O. Box 560) Iuka, MS 38852
Phone: (662) 423-3646

Support@tishomingoconnect.com
Tishomingoconnect.com

****MPSC Electronic Copy ** 2021-UA-10 Filed on 01/06/2021 ****

****MPSC Electronic Copy ** 2021-UA-10 Filed on 04/05/2021 ****

FILED

JAN 06 2021

**MISS. PUBLIC SERVICE
COMMISSION**

**BEFORE THE MISSISSIPPI
PUBLIC SERVICE COMMISSION**

In the Matter of)
)
Application of Tishomingo Connect, 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-10**

**APPLICATION OF TISHOMINGO CONNECT, LLC FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
REQUEST FOR EXPEDITED CONSIDERATION**

Tishomingo Connect, LLC ("Tishomingo" or the "Company"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act"),¹ Sections 54.201 and 54.202² 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 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 Tishomingo, through its participation in the NRTC Phase I RDOF Consortium, was awarded support through the FCC's Rural Digital Opportunity Fund ("RDOF") Phase I Auction ("Auction 904") (the "RDOF Auction"),³ as well as Lifeline-only ETC designation status in certain additional areas throughout its Mississippi service territory.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.201 and 54.202.

³ 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*").

Tishomingo will deploy broadband and interconnected VoIP services throughout the RDOF Phase I-eligible census blocks identified in **Exhibit A** and seeks ETC designation from 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, Tishomingo seeks Lifeline-only ETC designation status in the additional service areas identified in **Exhibit B**.

Tishomingo's receipt of RDOF funding is conditioned upon it obtaining designation as an ETC in the eligible census blocks by June 7, 2021.⁴ As a result, Tishomingo 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 Tishomingo, as an ETC. As demonstrated in this Application, Tishomingo meets all state and federal requirements for ETC designation, and, as shown by the description herein of Tishomingo'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, Tishomingo states as follows:

I. BACKGROUND

Tishomingo is a Mississippi company headquartered at PO Box 560 (205 Constitution Drive), Iuka, MS 38852.

Tishomingo is a wholly-owned subsidiary of Tishomingo County Electric Power Association (Tishomingo County Electric). Tishomingo County Electric is a non-profit electric distribution cooperative that has been providing electric distribution services throughout north eastern Mississippi since 1936. Today, Tishomingo County Electric serves approximately 13,500

⁴ *Auction 904 Results Public Notice*, para. 17 on p. 7.

homes and businesses and maintains nearly 1,300 miles of distribution lines primarily in Tishomingo County and portions of Alcorn, Prentiss and Itawamba Counties. Tishomingo County Electric is dedicated to supporting its customers and economic development in the communities it serves. As such, Tishomingo was created in 2020 for the purpose of providing high-speed, reliable and affordable Internet service within Tishomingo County Electric's service area.

With funding awarded through the Mississippi Electric Cooperatives Broadband COVID-19 Grant, Tishomingo County Electric began constructing a new state-of-the-art fiber optic network. Tishomingo County 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 Tishomingo will offer high-speed broadband Internet access and VoIP services to customers who currently lack access to such services. Tishomingo plans to begin offering high-speed broadband and voice services to customers in the first quarter of 2021.

II. COMMUNICATIONS AND CORRESPONDENCE

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

Name: Cody Durham
Title: Assistant General Manager
Company: Tishomingo Connect, LLC
Address: PO Box 560 (205 Constitution DR), Iuka, MS 38852
Telephone Number: 662.279.4899
Email: cody.durham@tcepa.com

With a copy to:

Name: Tim Wigginton
Title: General Manager
Company: Tishomingo Connect, LLC
Address: PO Box 560 (205 Constitution DR), Iuka, MS 38852
Telephone Number: 662.423.3646
Email: twigginton@tcepa.com

III. TISHOMINGO'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*,⁵ 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.⁶ 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.⁷

B. Tishomingo'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.⁸ The FCC provisionally selected the NRTC Phase I RDOF Consortium as a winning bidder for a total a number of locations throughout Mississippi.⁹ The NRTC Phase I RDOF Consortium was formed by Tishomingo County Electric and other electric distribution cooperatives 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 Tishomingo.

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

⁶ Id.

⁷ See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, FCC 20-77, 35 FCC Rcd 686 (2020) ("*Auction 904 Procedures Public Notice*").

⁸ *Auction 904 Results Public Notice*, Attachment A. at p. 18.

⁹ Id.

As a recipient of RDOF support, Tishomingo 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. Tishomingo is required to buildout to 40% of the requisite number of locations in Mississippi within three years of authorization.¹⁰ This performance benchmark increases by 20% by the end of the fourth and fifth years of support.¹¹ By the end of year six, revised location totals will be announced.¹² If there are fewer locations than originally estimated by the cost model, Tishomingo must serve the revised number of locations by the end of the sixth year of support.¹³ If there are more locations than originally estimated by the cost model, Tishomingo 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.¹⁴

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.¹⁵ 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.¹⁶ Winning bidders must submit appropriate documentation of such ETC status to the FCC.¹⁷ As noted, Tishomingo has been selected to receive RDOF support in select census block groups ("CBG") in Mississippi. Because the timeframe for Tishomingo to obtain ETC designation is short and the consequences of failure to do so are severe, Tishomingo respectfully requests that

¹⁰ *Auction 904 Procedures Public Notice*, para. 17.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Auction 904 Procedures Public Notice*, para. 136.

¹⁶ *Id.*

¹⁷ *Id.*

the Commission review this Application promptly and grant it ETC designation in the proposed ETC designation area on an expedited basis.

IV. TISHOMINGO AND ITS TECHNICAL QUALIFICATIONS

A. Tishomingo's Expertise and Experience

Tishomingo is qualified to meet applicable RDOF obligations given that Tishomingo County Electric has already successfully built a portion of its fiber network, in compliance with requirements under Mississippi Electric Cooperatives Broadband COVID-19 Grant funding. Tishomingo will leverage Tishomingo County Electric's technical and commercial success as a provider of electric distribution services in the proposed ETC designation area. Tishomingo is proud to have at its disposal Tishomingo County 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 Tishomingo County Electric to participate in the RDOF Auction with the certainty that Tishomingo will be able to fulfill RDOF obligations. Tishomingo County Electric has experience managing the technical and customer service-related issues associated with the provision of electric distribution services. Tishomingo will apply the same level of customer service and network monitoring to its future broadband and voice customers. Tishomingo will offer high-speed broadband Internet services and resell VoIP services purchased from LogicomUSA® ("LogicomUSA"). LogicomUSA is a large, nationwide carrier that provides wholesale VoIP services to numerous resellers. Tishomingo's partnership with LogicomUSA further demonstrates Tishomingo is technically capable of providing supported services.

B. Tishomingo's Services and Network Architecture

Tishomingo was founded to jump-start high-speed Internet service in an area that has been mostly unserved or underserved. With Mississippi Electric Cooperatives Broadband COVID-19 Grant funding, Tishomingo County Electric was able to begin construction on a new, state-of-the art, low-latency, fiber-to-the-home ("FTTH") network, over which Tishomingo will provide affordable high-speed broadband and Voice over Internet Protocol ("VoIP") services throughout Tishomingo County Electric's service area, which largely lacks access to such high-speed, broadband services. Through the expansion of Tishomingo County Electric's FTTH network, Tishomingo will offer broadband and voice services to customers in the proposed ETC designation area. These customers are expected to total approximately 500 voice customers and 4,000 broadband customers at the end of the first five years.

Tishomingo County Electric's FTTH network will be the backbone of the high-speed services on which Tishomingo's customers will rely. Tishomingo will leverage Tishomingo County Electric's FTTH network to provide customers with competitively superior broadband and voice services now and into the future. Tishomingo plans to initially offer residential Internet service at the following bi-directional speeds and prices with equipment included, no data caps, no contracts and free installation: 200 Mbps at \$60.00/mo. and 1 Gbps at \$80.00/mo. The router and modem will be included in the service installation. Tishomingo will retain ownership of the equipment and will not charge a monthly lease fee. Tishomingo certifies that customers' equipment will be kept up-to-date and replaced for any malfunctions caused by the manufacturer. Customers will be required to return their equipment upon cancellation of service to avoid a fee. Tishomingo will also offer business Internet service. However, Tishomingo is currently conducting market research to determine what mix of services potential customers would prefer and the terms upon which the services are offered. Tishomingo will make services

available based on demand. As a result, Tishomingo has not yet determined specific details of its rates and services to be offered to business Internet customers.

Tishomingo will provide voice services through its provision of VoIP. Tishomingo will resell the VoIP services of LogicomUSA, a wholesale VoIP provider, and repackage the service to offer VoIP over its own fiber-based facilities. Tishomingo plans to initially offer customers voice grade access to the Public Switched Telephone Network ("PSTN") through its VoIP services at the following rates: \$50.00/mo. for stand-alone voice service and \$25.00/mo. for voice and broadband bundled together. Tishomingo'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. Tishomingo plans to offer these services to its subscribers. Accordingly, grant of this application is vital for consumers in rural Mississippi to be able to receive high speed broadband and access to high-quality voice services.

V. COMMISSION HAS AUTHORITY TO DESIGNATE TISHOMINGO AS AN ETC

The Commission has the authority to designate Tishomingo 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.¹⁸ 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

¹⁸ 47 U.S.C. §§ 214(e)(1)-(2).

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.¹⁹

Further, the Commission has authority under the 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 Tishomingo’s designation request and has the authority to designate Tishomingo as an ETC for purposes of receiving universal service support in the proposed ETC designated area.

VI. TISHOMINGO MEETS THE STATE AND FEDERAL STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

Tishomingo meets all applicable federal and state requirements for designation as an ETC in Mississippi. As shown below, Tishomingo meets the requirements outlined in Section 214(e)(1) of the Act²⁰ and Section 54.201(d) of the FCC’s rules,²¹ as well as the additional requirements for ETC designation under Section 54.202 of the FCC’s rules.²² Tishomingo 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. Tishomingo Meets All Federal Requirements For ETC Designation

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

¹⁹ 47 C.F.R. §§ 54.201(c)-(d).

²⁰ 47 U.S.C. §§ 214(e)(1).

²¹ 47 C.F.R. §§ 54.201(d).

²² 47 C.F.R. §§ 54.201(c).

- 1) For purposes of this designation, Tishomingo will provide service on a common carrier basis. Tishomingo will be a common carrier by virtue of its provision of interconnected VoIP on a common carrier basis. As such, Tishomingo is a common carrier. (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d));
- 2) Tishomingo will provide voice and broadband services using a combination of its own facilities and resale of another carrier's services. Specifically, Tishomingo will be a facilities-based broadband Internet access and VoIP services provider. Tishomingo will leverage Tishomingo County Electric's expanding fiber-optic network to deliver voice and broadband services between Tishomingo's central office building and the customer premise. Tishomingo has partnered with LogicomUSA to offer interconnected VoIP service over Tishomingo's network. Therefore, Tishomingo 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,²³ Tishomingo will offer the voice telephony and broadband services supported by federal universal service support mechanisms, including the following capabilities:

Voice Grade Access To The Public Switched Telephone Network – Tishomingo will meet this requirement through its provision of VoIP service that will include 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. Tishomingo certifies that its interconnected

²³ 47 C.F.R. § 54.101.

VoIP service, in partnership with LogicomUSA, will satisfy 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."²⁴ The FCC has not specified a minimum amount of local usage that an ETC must offer. Tishomingo will meet the local usage requirement by including local usage in its rate plans. Tishomingo will comply with any minimum local usage requirements adopted by the FCC or this Commission. Tishomingo's VoIP service offering will provide customers with access to 911 and enhanced 911 to the extent local governments have implemented such services. Tishomingo will rely on its contractual arrangement with LogicomUSA 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.²⁵ The VoIP service offering that will be provided by Tishomingo does not distinguish between toll and non-toll calls. Accordingly, Tishomingo 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 – Tishomingo's broadband Internet access service will provide the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Tishomingo certifies that its provision of high-speed broadband Internet over its fiber-based facilities will satisfy 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)).

²⁴ 47 C.F.R. § 54.101(a)(2).

²⁵ 47 C.F.R. § 54.401(a)(2).

Tishomingo commits to provide these services consistent with applicable high-cost universal service support rules (47 C.F.R. § 54.101(c)). Tishomingo will offer Lifeline service as required by the FCC's rules within its proposed ETC designation area. (47 C.F.R. § 54.101(d); 47 C.F.R. § 54.400 *et. seq.*);

- 4) Tishomingo will offer voice telephony as a standalone service and voice telephony and broadband service at rates that are reasonably comparable to urban rates;²⁶
- 5) Tishomingo 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. Tishomingo's advertising strategy will build on Tishomingo County Electric's extensive advertising and public outreach experience in operating as a member-owned, non-profit electric cooperative since 1936. (47 C.F.R. § 54.405(b));
- 6) Tishomingo 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) Tishomingo 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.

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

- 8) Tishomingo possesses the financial and technical capability to provide the supported services. With the financial backing of Tishomingo County Electric, Tishomingo 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, Tishomingo County Electric has been operating as an electric distribution services provider in Mississippi since 1936. Tishomingo does not, and will not, rely on universal service fund disbursements to operate. Tishomingo and/or Tishomingo County Electric will be able to obtain the requisite amount of lending under its existing lines of credit and Tishomingo and/or Tishomingo County Electric is able to obtain additional financing, if necessary, in addition to the RDOF Phase I support being made available to Tishomingo. Finally, Tishomingo has not been subject to any enforcement proceedings or ETC revocation proceedings. Tishomingo will leverage Tishomingo County Electric's substantial experience in maintaining and upgrading utility infrastructure. Accordingly, Tishomingo is capable of managing, maintaining and repairing infrastructure for support of the proposed services. (47 C.F.R. § 54.202(a)(4));
- 9) Tishomingo further certifies that it meets all of the applicable requirements for designation as an ETC²⁷ under 47 C.F.R. § 54.202 as follows:

²⁷ *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))).

Compliance With Applicable Service and Performance Quality Requirements.

Tishomingo certifies that it will comply with the service requirements applicable to the support that it receives,²⁸ including the requirements of the RDOF Auction. Tishomingo's capabilities for providing the services in accordance with these requirements will be detailed in its FCC Form 683 long form application²⁹ and are incorporated by reference. Additionally, Tishomingo certifies that it will comply with the ETC-specific commitments required by the FCC in its *2005 ETC Order*.³⁰ The FCC has waived the requirement for a winning bidder to file a five-year plan and 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.³¹ Further, given that Tishomingo seeks ETC designation for Lifeline support only in additional service areas, a five-year network improvement plan is not provided. Tishomingo is currently subject to and complies with all state and federal consumer protection requirements and service quality standards applicable to its operations. Tishomingo has not been the subject of any serious consumer complaints or investigations. Tishomingo will prioritize complying with all applicable consumer protection and service quality standards to satisfy this requirement.

Ability to Remain Functional in Emergency Situations. Tishomingo 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.³² Tishomingo will establish reasonable provisions to meet emergencies resulting from

²⁸ 47 C.F.R. § 54.202(a)(1)(i).

²⁹ See Tishomingo's Form 683 Long Form Application.

³⁰ *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").

³¹ *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))).

³² 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

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. Tishomingo'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.³³

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

Tishomingo'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. Finally, Tishomingo's contract arrangement with LogicomUSA also imposes certain obligations on LogicomUSA to ensure Tishomingo's supported service offering remains functional during emergency situations. Tishomingo plans to apply this successful model to proposed ETC designated area.

VII. TISHOMINGO MEETS THE FEDERAL STATUTORY AND REGULATORY

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."

³³ 47 C.F.R. § 54.202(a)(2).

PREREQUISITES TO BE DESIGNATED AS A LIFELINE-ONLY ETC IN THE ADDITIONAL CENSUS BLOCKS.

As demonstrated herein, Tishomingo 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

Tishomingo 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. Tishomingo 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

Tishomingo 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. Tishomingo will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.³⁴

2. Tishomingo 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.³⁵

³⁴ 47 C.F.R. § 54.405(b).

³⁵ 47 C.F.R. § 54.405(c).

3. Tishomingo will disclose its name on all materials describing the service.³⁶

4. Tishomingo 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.³⁷

D. Minimum Service Standards

Tishomingo 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

Tishomingo 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

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

G. Annual Reporting Requirements

Tishomingo 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 TISHOMINGO AS AN ETC IS IN THE PUBLIC INTEREST

Designation of Tishomingo as an ETC serves the public interest by allowing Tishomingo 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.

³⁶ 47 C.F.R. § 54.405(d).

³⁷ 47 C.F.R. § 54.405(e).

The grant of this Application will clearly serve the public interest by enabling Tishomingo 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. Tishomingo's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,"³⁸ 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 winning bidder in the RDOF Auction, Tishomingo 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 Tishomingo's Form 683 long form application, the voice and broadband services Tishomingo proposes to deploy with the funds would advance the goal of the RDOF Auction and thereby advance the goals of universal service.³⁹

Granting Tishomingo'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. Designating Tishomingo as an ETC will permit the Company to receive RDOF funds designated for Mississippi, directly advancing the goals of the FCC's RDOF and RDOF Auction. Tishomingo's resulting deployments will bring expanded voice and broadband connectivity to rural areas in Mississippi, helping to close the digital divide for residents of Mississippi, and expanding economic opportunity for communities that will benefit from

³⁸ 47 U.S.C. § 1302(a).

³⁹ 47 U.S.C. § 254.

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

Furthermore, the funds provisionally awarded to Tishomingo through the RDOF Auction will come directly from the funds annually set aside by the FCC for RDOF support. Therefore, Tishomingo'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 Tishomingo 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, Tishomingo will contribute to the Universal Service Fund based upon the portion of its revenues determined to be interstate. Thus, approving Tishomingo as an ETC will create contributions to the Universal Service Fund that were previously nonexistent.

IX. ANTI-DRUG ABUSE CERTIFICATION

Tishomingo 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 1988.⁴⁰

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

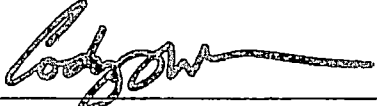
X. CONCLUSION

For the reasons stated herein, Tishomingo respectfully requests (i) an expeditious Order designating it as a High-Cost and Low income ETC in Mississippi so that Tishomingo 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,

Tishomingo Connect, LLC

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LIST OF EXHIBITS

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

Exhibit B – List of Census Blocks Where Tishomingo Seeks ETC Designation for Lifeline Support Only

Exhibit C - Map of Service Area Where Tishomingo 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