



FILED

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APR 06 2021

**MISS. PUBLIC SERVICE
COMMISSION**

April 6, 2021

Via Hand Delivery

Katherine Collier
Executive Secretary
Mississippi Public Service Commission
Suite 201-A, Woolfolk Building
501 N. State Street
Jackson, Mississippi 39201

Re: Application for Windstream Communications, LLC for Certificate of Public Convenience and Necessity to Provide Facilities Based and Resold Local Exchange Telecommunications Services in the State of Mississippi, and for Designation as an Eligible Telecommunications Carrier to Receive Rural Digital Opportunity Fund Phase I Auction (Auction 904) Support

Dear Ms. Collier:

Please find enclosed an original and twelve (12) copies of the referenced application for our client, Windstream Communications, LLC. Please date stamp the enclosed extra copy of this filing and return it to our office courier. If there are any questions regarding this filing, please do not hesitate to contact me or my assistant, Breanna Bennett, via email bbennett@joneswalker.com.

Sincerely,



J. Andrew Gipson

JAG/bb

Enclosure

{JX467690.1}

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FILED

APR 06 2021

MISS. PUBLIC SERVICE
COMMISSION

**BEFORE THE
MISSISSIPPI PUBLIC SERVICE COMMISSION**

**WINDSTREAM
COMMUNICATIONS, LLC**

TC 123-2211-00 '21-UA-53

**IN RE: APPLICATION OF WINDSTREAM
COMMUNICATIONS, LLC FOR A
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO
PROVIDE FACILITIES-BASED AND
RESOLD LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES
IN THE STATE OF MISSISSIPPI AND
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER
TO RECEIVE RURAL DIGITAL
OPPORTUNITY FUND PHASE I
AUCTION (AUCTION 904) SUPPORT**

APPLICATION

I. INTRODUCTION

COMES NOW Windstream Communications, LLC (“Windstream” or “Applicant”)¹ and in accordance with Rule 7 of the) Public Utilities Rules of Practice and Procedure and Appendix “A” thereto, respectfully requests that the Mississippi Public Service Commission (“Commission”) grant this Application for: 1) a Certificate of Public Convenience and Necessity (“CPCN”) to provide facilities-based and resold local exchange telecommunications services throughout the State of Mississippi; and 2) designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),² and Sections 54.201 and 54.202 of the Federal Communications Commission (“FCC”) rules.³ Windstream requests this ETC designation for all 611 census blocks (which cover 29 census

¹ Windstream Communications, LLC will be the ETC designation holder and will operate the service, and Windstream Services, LLC, will be the recipient of RDOF funds.

² 47 U.S.C. § 214(e)(2).

³ 47 C.F.R §§ 54.201 and 54.202.

block groups) set forth in **Exhibit H** of this Application for which the FCC announced it as a winning bidder in the FCC's Rural Digital Opportunity Fund ("RDOF") Phase I Auction 904 ("Auction").⁴ Windstream is required to obtain a high-cost ETC designation for the census blocks for which it won support to deploy gigabit broadband and voice service within 180 days after being announced as a winning bidder, which date is June 7, 2021, and this application seeks such designation for Mississippi in order to provide its service to thousands of unserved Mississippians.

For the reasons demonstrated herein, granting the CPCN to Windstream and designating Windstream as an ETC will improve broadband access for unserved Mississippians, is consistent with the rules and precedent of the Commission and FCC, and will serve the public interest.

In support of its request, Applicant provides the following information and states as follows:

II. QUALIFICATIONS

1. The legal name, principal business address, telephone number and fax number of the Applicant is as follows:

Windstream Communications, LLC
4001 N. Rodney Parham Road
Little Rock, Arkansas 72212
Tel: (501) 748-7000
Fax: (330) 486-3561

⁴ A list of the covered census blocks for which Windstream is seeking ETC designation is attached as Exhibit H. *See also Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, WC Docket No. 19-126, WC Docket No. 10-90, Public Notice, DA 20-1422 (rel. Dec. 7, 2020) ("*RDOF Winning Bidder PN*").

2. Questions concerning ongoing operations of Applicant following certification should be directed to:

Nicole Winters, Counsel II
Windstream Communications, LLC
4001 N. Rodney Parham Road
Little Rock, Arkansas 72212
Tel: (501) 748-6313
Email: Nicole.Winters@windstream.com

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

J. Andrew Gipson
Jones Walker LLP
190 E Capitol St, Ste 800
Jackson, MS 39201
T: 601-949-4900
Email: agipson@joneswalker.com

Dennis W. Miller
Jones Walker LLP
190 E Capitol St, Ste 800
Jackson, MS 39201
T: 601-949-4900
Email: dmiller@joneswalker.com

With copies to:

Nicole Winters, Counsel II
Windstream Communications, LLC
4001 N. Rodney Parham Road
Little Rock, Arkansas 72212
Tel: (501) 748-6313
Email: Nicole.Winters@windstream.com

3. Applicant is a Delaware company converted from a corporation to a limited liability company effective January 1, 2015. A copy of Applicant's Articles of Organization is attached as **Exhibit A**. A copy of Applicant's Certificate of Authority to Transact Business in the State of Mississippi is attached as **Exhibit B**.

4. Windstream is a 100% wholly-owned direct subsidiary of Windstream Services, LLC. Windstream Services, LLC, is a 100% wholly owned subsidiary of Windstream Holdings II, LLC. Windstream Holdings II, LLC, is a privately held limited liability company.

5. The management team of Applicant, all of whom are listed in **Exhibit D**, may be contacted at its principal place of business as follows:

{JX466718.5}

Windstream Services, LLC
4001 North Rodney Parham Road
Little Rock, AR 72212

6. Windstream is a facilities-based telecommunications and Internet service provider that has offered service since 2006. Windstream and its affiliates currently provide high-speed, low-latency coverage to millions of households across 18 states. Windstream's mission is to bring gigabit-speed broadband to rural communities that would have been too expensive to serve without a public-private partnership. Additional details regarding Windstream's all-fiber broadband network technology are provided in SECTION V, TECHNICAL QUALIFICATIONS.

On December 7, 2020, the FCC announced that Windstream Services, LLC, was a winning bidder in Auction 904 for census blocks in 18 states, including Mississippi.⁵ As a condition of receiving high-cost support, Windstream must obtain from either the relevant state commission, or from the FCC where such state commission lacks jurisdiction, a high-cost ETC designation to cover its winning bid areas by June 7, 2021.⁶ Windstream is in the process of seeking designation as an ETC in each of the 18 states in which it was selected as a winning bidder and specifically seeks such designation from Mississippi for the 29 eligible census block groups in the state for which it has been announced as a winning bidder in Auction 904 (the "Proposed ETC Service Area").⁷

⁵ *RDOF Winning Bidder PN*, Attach. A at pp. 8-9.

⁶ *RDOF Winning Bidder PN* at ¶ 36. The FCC "will presume that an entity acted in good faith if the entity files its ETC application within 30 days of the release of" the RDOF Winning Bidder PN. *Id.* at ¶ 37. Windstream has been evaluating the feasibility of serving the territories approved for Windstream in Auction 904 through Windstream's Affiliate ILEC in Mississippi, Windstream Mississippi, LLC. Within its limited service territory, Windstream Mississippi already holds an ETC Designation in Mississippi. Windstream recently made the determination to move forward with this application through Windstream Communications.

⁷ See Exhibit H for the identified census blocks in Mississippi, along with a map of the same.

As demonstrated below, the Commission has the authority to grant both 1) the requested CPCN; and 2) the requested ETC designation pursuant to Section 214(e)(2) of the Act.

Additionally, Applicant meets all of the statutory and regulatory requirements for both the CPCN to provide facilities based as resold local exchange service and for the ETC designation.

7. Applicant is financially qualified to provide telecommunications services in the State of Mississippi.⁸ In 2020, Windstream Holdings II, LLC's annual revenue was approximately \$5 billion with no near-term debt maturities. To further support Applicant's financial qualifications, a copy of its confidential financial statements are being submitted under seal as **Exhibit C**. The financial information contains confidential proprietary information not generally available to the public. Due to the highly competitive nature of the telecommunications marketplace and the highly confidential nature of the information provided, Windstream deems this material to be proprietary. This document is an exempt document under Sections 25-61-9, 25-61-11, 77-3-79 and 79-23-1 of the Mississippi Code, and Rules 4.100.3 and 4.101.3 of the Commission's Public Utilities Rules of Practice and Procedure. Accordingly, the financial statements have been marked as confidential and are being submitted under seal to be maintained by the Commission and the Mississippi Public Utilities Staff on a confidential basis pursuant to Rules 4.100.3 and 4.101.3 in accordance with Rule 6.109.

8. Applicant possesses the managerial and technical qualifications to provide its proposed telecommunications services in Mississippi and to operate and maintain its facilities over which such services eventually will be deployed. A description of the backgrounds and

⁸ The Commission reviewed Windstream's restructuring, emergence and resulting change of control in Docket No. 2020-UA-064. Windstream emerged from restructuring on September 21, 2020, and the restructuring process allowed Windstream to reduce its debt by two-thirds, or more than \$4 billion.

experience of Applicant's key personnel, which demonstrates the extensive telecommunications operational and technical expertise of the Applicant, is attached as **Exhibit D**.

9. Applicant requests authority to operate throughout the State of Mississippi. With regard to local exchange service, Applicant initially plans to provide service in the existing service areas of BellSouth Telecommunications, Inc. d/b/a AT&T Mississippi ("AT&T") and in portions of two adjoining exchanges of Bay Springs Telephone Company located in Rankin County, Mississippi. As a result, Applicant refers to the service area maps of AT&T and Bay Springs Telephone Company already on file with the Commission and requests a waiver of the requirement that it submit separate service area maps.

10. Through the use of its own facilities, interconnection with other carriers or resale of other carriers' services, Applicant will offer 911 and enhanced 911 emergency services, directory assistance and operator-assisted calling.

11. In Mississippi, Applicant is currently authorized to provide resold interexchange long distance telecommunications services (both intraLATA and interLATA) and operator services on a resale basis by Certificate of Public Convenience and Necessity granted by Commission Order dated May 29, 1996 in Docket No. 1996-UA-136. Applicant has not been denied certification in any jurisdiction.

12. A Notice, substantially in the form of that attached as **Exhibit E**, has been mailed to all interested persons as defined by Rule 2.115 of the Commission's Public Utilities Rules of Practice and Procedure. A copy of the Service List is attached as **Exhibit F**.

13. A copy of the pre-filed testimony of Jeff Small, President of the Windstream Kinetic Division is attached as **Exhibit G**.

III. APPLICANT'S PARTICIPATION IN THE FCC'S AUCTION 904

1. Background on the RDOF Auction

The FCC established the RDOF Phase I Auction to award up to \$16 billion over 10 years to service providers that commit to offer voice and broadband services to fixed locations in eligible unserved high-cost census blocks.⁹ These are areas that the FCC determined, based on current data, do not have access to broadband under the federal definition. Auction 904 is the FCC's second auction to award ongoing high-cost universal service support through competitive bidding in a multiple-round, reverse auction, following the 2018 Connect America Fund ("CAF") Phase II Auction (Auction 903). Similar to CAF Phase II, RDOF winning bidders that are authorized to receive support are required to offer voice and broadband speeds meeting relevant performance requirements to fixed locations in exchange for monthly support payments over a 10-year term. Such providers also are required to offer Lifeline services in their designated ETC service area. The FCC imposes certain reporting requirements on RDOF support recipients, including reporting a list of geocoded locations each year to which the support recipient is offering the required services; making a certification upon meeting service milestones; and submitting an annual FCC Form 481 report to certify that the support recipient meets the FCC's high-cost requirements.¹⁰

To participate in the RDOF Phase I Auction, applicants were required to submit to the FCC a short-form application within which an applicant demonstrated and certified that they are legally, technically, financially, and otherwise qualified to receive RDOF support. Based on such

⁹ *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, WC Docket No. 19-126, WC Docket No. 10-90, Public Notice, 35 FCC Rcd 6077, 6080, para. 6 (2020) ("*RDOF Auction Procedures PN*").

¹⁰ *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126, *et al.*, Report and Order, 35 FCC Rcd 686, 712-13, paras. 56-57 (2020) ("*Rural Digital Opportunity Fund Order*").

information, the FCC determined that Windstream was eligible to participate in Auction 904 as a gigabit low-latency provider. Windstream Services, LLC, on behalf of Windstream, was ultimately assigned support to provide service in eighteen states through the Auction 904 competitive bidding process, including Mississippi.¹¹

Winning bidders were required to submit a long-form application (FCC Form 683) to the FCC by January 29, 2021.¹² Among other things, a long-form applicant is required to submit a detailed technology and system design description demonstrating how it will meet the relevant RDOF public interest obligations. The applicant also is required to make several certifications surrounding its financial and technical capabilities as well as other general certifications. If the applicant cannot certify to holding an ETC designation for the relevant areas in which it seeks support by the long-form application deadline, it must provide a certification of ETC status with supporting documentation to the FCC within 180 days after the release of the FCC's *RDOF Winning Bidder Public Notice*, which is June 7, 2021.¹³ By this application, Applicant seeks such designation in Mississippi on an expedited basis.

2. Windstream's Assigned Support through RDOF

In Auction 904, Windstream Services, LLC, parent company of Windstream, has been selected to receive \$9,426,300 over a ten-year period (\$942,630 annually) to provide covered services in Mississippi.¹⁴

The census blocks and census block groups associated with Windstream's winning bids are identified in **Exhibit H**, as well as a map illustrating the RDOF census blocks. Accordingly,

¹¹ *RDOF Winning Bidder PN*, Attach. A at pp. 8-9.

¹² *See generally, RDOF Winning Bidder PN*.

¹³ *RDOF Auction Procedures PN*, 35 FCC Rcd at 6166-67, para. 300.

¹⁴ *RDOF Winning Bidder PN*, Attach. A at pp. 8-9. The assigned support will be disbursed monthly over a ten-year period.

Windstream seeks ETC designation in the RDOF census blocks outlined in this Application to satisfy the FCC RDOF Auction requirements.

3. Need for Expedited ETC Designation

The FCC did not require that Auction 904 participants be designated ETCs at the time they filed their applications. Winning bidders must obtain ETC designation in any areas for which they are awarded support and submit appropriate documentation of such ETC status to the FCC within 180 days of being announced as winning bidders.¹⁵ As noted, Windstream is a winning bidder in Auction 904 for 29 census block groupss in Mississippi. Because the timeframe to obtain ETC designation is short and the consequences for failure to do so are severe, Applicant respectfully requests that the Commission review this application and promptly grant ETC designation to Windstream in the census blocks identified in this application on an expedited basis.

Windstream is developing plans to enter the market expeditiously and will serve thousands of customers across the state. Obtaining ETC designation is a critical step towards the FCC formally awarding the RDOF support to Windstream, and its ultimate entry in Mississippi.

IV. PROPOSED SERVICES

1. Applicant intends to provide facilities-based and resold local exchange telecommunications services, as well as broadband internet services over its all-fiber voice telecommunications network. Applicant will continuously monitor and maintain a high level of control over its network on a 24-hours-a-day, 7-days-a-week basis.

2. Applicant intends to offer service to residential and business customers.

¹⁵ *RDOF Winning Bidder PN* at fn. 15 (“By June 7, 2021, the long-form applicant must obtain from all the relevant states or the Commission a high-cost ETC designation(s) that cover its winning bid areas and upload the required documentation and a certification letter to its FCC Form 683”); *see also* 47 U.S.C. § 214(e)(2).

V. APPLICANT'S TECHNICAL QUALIFICATIONS

Windstream Services, LLC, through its subsidiaries including Windstream, is a leading provider of advanced network communications and technology solutions for consumers, small businesses, enterprise organizations and carrier partners across the United States.

Windstream Services' subsidiaries provide voice and data services that enhance the communication capabilities of businesses in Mississippi. In addition, the operating subsidiaries supply core transport solutions on a nationwide local and long-haul fiber network currently spanning approximately 150,000 route miles. Windstream Services' consumer and small business segment includes approximately 1.4 million residential and small business customers that receive voice, broadband, entertainment, and security solutions. Windstream Services' also operates an enterprise business focused segment offering services such as software-defined wide area networking ("SD-WAN") and unified communications as a service ("UcaaS") to businesses across the U.S.

Windstream Services does not provide telecommunications services in its own right. It owns and operates a number of licensed telecommunications providers (such as Windstream) in all states and the District of Columbia, many of which also hold authority from the Federal Communications Commission ("FCC") to provide domestic interstate and international telecommunications services.

In Mississippi, Windstream has operated as an interexchange and operator services provider on a resale basis for nearly twenty-five years. Its affiliate, Windstream Mississippi, has operated as a rural incumbent local exchange telephone company for over sixty-five years, and combined, Windstream affiliates have provided telecommunications services nationwide for over

100 years. Windstream is managed by the same company officers and management team that oversees its affiliates. Windstream's affiliates also have successfully participated in federal broadband programs such as the Connecting America Fund (both phases) and the Rural Utilities Service ("RUS") program. In addition, Windstream's affiliates have previously and continue to participate in state broadband expansion programs. As a result, Windstream has the necessary experience to implement and execute the requirements both under the RDOF program and its state ETC obligations.

Windstream is committed to closing the broadband digital divide in the United States. Being awarded over \$523 million in RDOF funding across 18 states over 10 years, Windstream plans to bring fiber-to-the-home to nearly 200,000 locations. In Mississippi, the \$9,426,300 of RDOF funding will help enable Windstream to expand the availability of its network and services to the RDOF census blocks and offer a new competitor in the marketplace.

VI. APPLICANT MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION

Windstream meets all applicable requirements for designation as an ETC in Mississippi, including, 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201, *et seq.*, and all applicable FCC rules, as follows:

1. Windstream Will Provide Service as a Common Carrier (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d))

For purposes of this designation, Windstream will offer a proven fiber-to-the-premise network architecture to deliver broadband and voice services. Windstream's affiliates have extensive experience deploying this type of network as it has constructed this same network to over 477,000 consumer and business locations in 18 states. Subscriber voice traffic will transit

Windstream's highly redundant, all-fiber network and connect with Windstream Services' wholly-owned switching network, which currently supports nearly 2 million voice lines across 18 states. As such, with respect to the voice service it plans to deploy in the Proposed ETC Service Area, Windstream is a common carrier.

2. Windstream Will Offer the Services Supported by the Federal Universal Service Support Mechanisms (47 C.F.R. § 54.101)

Windstream will offer the following voice telephony and broadband services that are supported by federal universal service support mechanisms:¹⁶

- a. Voice Grade Access to the PSTN. Windstream will meet this requirement through the provision of fiber-based voice service that is interconnected to the PSTN, which will be offered as a standalone telephony service throughout its Proposed ETC Service Area.¹⁷ The service will include minutes of use for local service provided at no additional charge to end users (specifically, Windstream's service plans will offer unlimited usage within the United States); and access to emergency services via 911 and E-911, where implemented by local government or other public safety organizations. Windstream will also provide toll limitation services to qualifying low-income consumers or may charge the same prices for toll and non-toll calls in accordance with the FCC's rules.¹⁸
- b. Broadband Internet Access Services. Windstream will offer fiber-based broadband Internet access service that provides 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.¹⁹ End user connections will be routed to a local or regional exchange, where Windstream will interconnect through an Internet exchange point that carries traffic to all or substantially all Internet end points.

Windstream commits to provide these services consistent with applicable high-cost universal service support rules and will meet the service requirements for RDOF Phase I support.²⁰ Windstream will offer at least one standalone voice plan and one service plan that

¹⁶ 47 C.F.R. § 54.101.

¹⁷ *See id.* § 54.101(b).

¹⁸ *See id.* § 54.101(a)(1).

¹⁹ *See id.* § 54.101(a)(2).

²⁰ *See id.* § 54.101(c).

provides high speed broadband. These plans will be offered at rates that are reasonably comparable to rates offered in urban areas.²¹ Windstream will be responsible for providing customer care, providing quality of service guarantees, and meeting the FCC's universal service fund-related requirements.²²

Windstream also will make available Lifeline services to qualifying low-income consumers pursuant to the FCC's rules at all locations in Mississippi where it is authorized to receive RDOF support.²³

3. Windstream Will Provide Service 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))

Windstream will primarily offer supported services using its own facilities, and may use a combination of its own facilities and resale of another carrier's services depending on the deployment scenario.²⁴ Windstream will have the exclusive right to use the broadband facilities it deploys to offer the supported services.

²¹ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 707-08, paras. 42-43.

²² See *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, WC Docket No. 09-197 et al., 33 FCC Rcd 6696, 6698 (WCB 2018) (“*ETC Designation Public Notice*”); see also *RDOF Auction Procedures PN* at 6129, para. 139.

²³ 47 C.F.R. §§ 54.101(d) and 54.405(a); see also *RDOF Auction Procedures PN*, 35 FCC Rcd at 6128 (stating, “[e]ach Auction 904 support recipient must offer Lifeline voice and broadband service throughout the eligible areas covered by its winning bids to qualifying low-income consumers pursuant to the Lifeline program rules.”).

²⁴ See 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.101; see also *ETC Designation Public Notice*, 33 FCC Rcd at 6698 (“Facilities are the ETC's ‘own’ if the ETC has exclusive right to use the facilities to provide the supported services or when service is provided by any affiliate within the holding company structure.”).

4. Windstream Will Provide Service Throughout Its Designated Service Area (47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d))

Windstream commits to providing the supported services throughout the Proposed ETC Service Area, which consists of the census blocks identified in **Exhibit H**, consistent with all applicable requirements.²⁵

5. Windstream Will Advertise the Availability of Its Services and Charges Using Media of General Distribution (47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2))

Windstream will advertise the availability of and charges for its supported service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements.²⁶ Windstream will offer and advertise its voice and broadband services through various marketing channels, including but not limited to direct mail, email, local and community outreach events, and targeted online electronic advertising. In addition, Windstream will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.

6. Windstream Meets the Additional Requirements for Designation as an ETC (47 C.F.R. § 54.202)

Windstream meets all of the applicable requirements for designation as an ETC under 47 C.F.R. § 54.202 as follows:²⁷

- a. Compliance with Applicable Service and Performance Quality Requirements.
Windstream certifies that it will comply with the service and performance requirements

²⁵ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

²⁶ See 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d).

²⁷ The FCC waived the requirements for an Auction 904 winning bidder (a) to file a five-year plan as part of the ETC designation process, and (b) to demonstrate that it will satisfy applicable consumer protection and service quality standings. (47 C.F.R. §§ 54.202(a)(1)(ii) and (a)(3)). The FCC determined that such obligations were no longer essential to the FCC's ability to monitor ETC use of support for its intended purpose. See *RDOF Winning Bidders PN* at fn. 71; see also *ETC Designation Public Notice* at 6699-6700. See also Exhibit A.

applicable to the support that it receives, including the requirements for RDOF Phase I support.²⁸

- b. Ability to Remain Functional in Emergency Situations. Windstream has provided reliable high-speed Internet access service to customers since 2006. Windstream has reasonable backup power to ensure functionality without an external power source, is able to re-route traffic around damaged facilities and is capable of managing traffic spikes resulting from emergency situations.
- i. All locations requiring commercial power are equipped with an 8-hour battery backup and/or emergency generators.
 - ii. All electronic cabinets and remote electronic sites are equipped with the necessary wiring and power supplies (rectifiers) to sustain operation beyond the eight (8) hours of battery backup with the use of portable or fixed generators.
 - iii. Battery backup is tested yearly by an outside contractor. The contractor tests the batteries and replaces batteries that do not meet Windstream's specifications (8-hour backup) and cleans and replaces all necessary connections.
 - iv. Windstream's network is engineered to handle reasonable excess traffic in the event of traffic spikes resulting from emergency situations.
 - v. Windstream's fiber ring technology protects customers well from loss of toll trunking.
 - vi. Windstream has network redundancy for re-rerouting traffic when facilities are damaged.
 - vii. Windstream has a robust Disaster Recovery Plan.
- c. Consumer Protection and Service Quality Standards Commitment. Windstream commits to satisfy all applicable consumer protection and service quality standards.²⁹

VII. PUBLIC INTEREST

1. **Grant of Certificate of Public Convenience and Necessity.**

Grant of Applicant's requested CPCN to provide local exchange services will further the public interest by expanding the availability to Mississippi consumers of technologically advanced telecommunications facilities and services. Applicant's presence in the market will afford consumers an additional choice of local and interexchange service providers. The public will benefit both directly, through the use of the high-quality and reliable services offered by

²⁸ See 47 C.F.R. §§ 54.202(a)(1)(i) and 54.805.

²⁹ 47 C.F.R. § 54.202(a)(3); see also *supra* n. 30.

Applicant, and indirectly because the expanded presence of Applicant in the market will increase incentives for other telecommunications providers to operate more efficiently, offer more innovative services, reduce their prices, and improve their quality of service. Grant of the CPCN is therefore in the public interest because it will enhance further the service options available to Mississippi citizens.

2. Grant of ETC Designation

Likewise, grant of this Applicant's requested ETC designation will further the public interest. The FCC's RDOF program is a critical step to bridging the digital divide in communities across the country.³⁰ As former FCC Chairman Pai explained, "[the digital divide] means that millions of Americans can't start a business, advance their children's and their own education, use precision agriculture, access telemedicine, or benefit from the digital economy [and this] demands the [FCC to] take immediate, concrete action."³¹ A month after this statement was released, the need for action became even more evident as the COVID-19 pandemic impacted the nation in unprecedented ways - driving business, education, and many other activities online. It soon became clear that those without access to high-speed Internet services were at a severe disadvantage, falling further on the "the wrong side of the digital divide."³² Windstream is committed to bridging the digital divide and promoting digital equity, and has the network technology and service model to provide gigabit, low-latency service to the thousands of Mississippi locations in the census blocks for which it was awarded support in Auction 904.

³⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 690, para. 9.

³¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 778 (Statement of Chairman Pai).

³² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 779 (Statement of Chairman Pai); see Petula Dvorak, *When 'back to school' means a parking lot and the hunt for a WiFi signal*, WASH. POST (Aug. 27, 2020 at 3:47 pm GMT-5), https://www.washingtonpost.com/local/when-back-to-school-means-a-parking-lot-and-the-hunt-for-a-wifi-signal/2020/08/27/0f785d5a-e873-11ea-970a-64c73a1c2392_story.html.

Grant of this application will serve the public interest by permitting Windstream to fulfill the objectives of Auction 904 through deployment of high-speed broadband and voice services in the unserved communities identified in the census blocks herein.³³ In addition, resulting investments in infrastructure in the state, along with increased consumer choice and competition with respect to these services, also will serve the public interest. These benefits will increase innovation and competitive services to a wider range of Mississippi residents and businesses.

VIII. CONCLUSION

The entry of Applicant into the Mississippi local exchange telecommunications market on a facilities-based and resold basis will enhance competition. Applicant anticipates that its participation in the market will offer subscribers the opportunity to obtain better quality services and will increase the options available to consumers for innovative, diversified, and reliable service offerings. Moreover, designation of Windstream as an ETC will enable Applicant to participate in RDOF Auction 904 Support, delivering high-quality fiber-based voice and broadband services to the people of Mississippi.

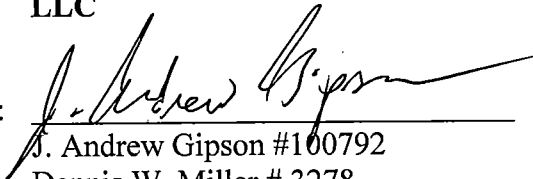
WHEREFORE, Windstream Communications, LLC, requests that the Mississippi Public Service Commission approve its: 1) Application for a Certificate of Public Convenience and Necessity to provide facilities-based and resold local exchange and interexchange telecommunications services throughout the State of Mississippi; and 2) its request for designation as an ETC in the service areas identified in **Exhibit H**. Applicant further requests

³³ The FCC has recognized that “bidders demonstrate their ability to meet their public interest obligations” through the information provided in their short-form and long-form applications, and that ETC designation serves the public interest. *ETC Designation Public Notice* at p. 6. (“Accordingly, carriers need not provide additional specific evidence of service to the public interest in their petitions for ETC designation.”). *See also RDOF Winning Bidder PN* at fn. 71 (adopting the presumption that ETC designation will serve the public interest).

treatment of this Application on an expedited basis and order such other relief as may be appropriate.

Respectfully submitted,

**WINDSTREAM COMMUNICATIONS,
LLC**

By: 

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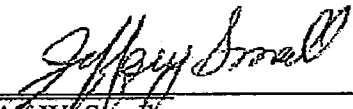
Counsel for Windstream Communications,
LLC

VERIFICATION

STATE OF ARKANSAS

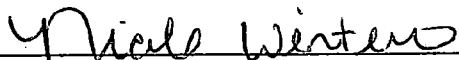
COUNTY OF PULASKI

PERSONALLY came and appeared before me, the undersigned party in and for the jurisdiction aforesaid, the within named Jeff W. Small, who after being duly sworn by me stated under oath as follows: that I am the President of the Kinetic Division of Windstream Communications, LLC, a telecommunications service provider; that I executed the foregoing pleading for and on behalf of Windstream Communications, LLC; that I am authorized to execute and file said pleading; and that the matters and things set forth in said pleading are true and correct to the best of my knowledge, information and belief.



Jeff W. Small

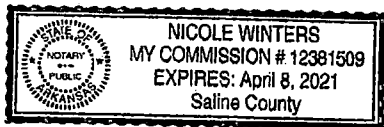
SWORN TO AND SUBSCRIBED before me on this the 5th day of April, 2021.



Notary Public

My Commission Expires:

April 8, 2021



EXHIBITS

Exhibit A	Articles of Organization
Exhibit B	Authorization to Transact Business and Good Standing
Exhibit C	Financial Qualifications (Under Seal)
Exhibit D	Managerial Qualifications
Exhibit E	Notice
Exhibit F	Service List
Exhibit G	Pre-filed Testimony
Exhibit H:	List of Census Blocks Where Windstream Services, LLC was Awarded Auction 904 Support and Seeks ETC Designation in Mississippi and map

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