

ORDER NO. 23-353

ENTERED Sep 26 2023

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2279

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

2023 Annual Certification of Eligible  
Telecommunications Carriers.

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on September 21, 2023, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:

*Katharine Moser* on behalf of

**Nolan Moser**  
Chief Administrative Law Judge



A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: September 21, 2023**

**REGULAR** \_\_\_\_\_ **CONSENT**  X  **EFFECTIVE DATE** \_\_\_\_\_ **N/A**

**DATE:** September 7, 2023

**TO:** Public Utility Commission

**FROM:** Nicola Peterson

**THROUGH:** Bryan Conway and Marc Hellman **SIGNED**

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 2279)  
2023 Annual Certification of Eligible Telecommunications Carriers.

**STAFF RECOMMENDATION:**

Staff recommends that the Public Utility Commission of Oregon (Commission):

1. Certify, pursuant to the requirements of 47 C.F.R. § 54.314, to the appropriate use of federal Universal Service Fund (USF) high-cost support in Oregon, and to the continuing eligibility of the carriers listed in Attachment A to receive such support; and
2. Accept the 2023 annual reports of all eligible telecommunications carriers (ETCs) required by Commission Order No. 06-292, as amended by Order No. 15-169.

**DISCUSSION:**

Issues

1. Whether the Commission should certify the continuing eligibility of certain Oregon ETCs to receive federal USF high-cost support.
2. Whether the Commission should accept the annual reports submitted by all ETCs for the current reporting year.

### Applicable Law and Orders

Federal regulation 47 C.F.R. § 54.314(a) requires states to submit annual certifications in order to enable the continuation of high-cost support to their state-designated ETCs. The certification must state that all ETCs receiving federal high-cost support within the state “only used support during the preceding calendar year and will only use support in the coming calendar year for the provision, maintenance, and upgrading of facilities and services for which support is intended.” The state must provide this annual certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) by October 1 of each year.

ETCs filing annual reports for the purpose of certification must follow the requirements adopted by the Commission in Order No. 15-169, entered June 4, 2015. The reporting requirements differ by the type of funding received by an ETC. All ETCs, except those receiving Mobility Fund support, must complete relevant sections of FCC Form 481. ETCs that receive Mobility Fund support must complete FCC Form 690. The FCC forms address specific items of information established in FCC orders and regulations. The information is intended to aid in determining whether the ETC met the company’s commitments and responsibilities for the previous calendar year. Such items relate to functionality in emergencies, service rate comparability, Lifeline offerings, Tribal engagement, and broadband deployment progress and locations, as well as certifications that various obligations were met.

In addition to the FCC Form 481, ILEC ETCs must also submit specific data supporting the receipt of a specific form of USF support known as CAF/ICC support, if applicable.

Commission Order No. 15-169 requires each ETC receiving high-cost support to also submit a notarized affidavit signed by a corporate officer attesting to the appropriate use of support in Oregon. To meet FCC requirements, and to enable the Commission to certify the Oregon ETCs properly to the FCC, the wording must be specific. To that end, each year the Commission staff distributes a template for the affidavit to the ETCs. This year’s template is included here as Attachment B.

Although the Commission does not certify Lifeline-only ETCs annually to the FCC, it does require these ETCs to file copies of their completed FCC Form 481 each year. See Order No. 15-169, Appendix A.

Due dates for the reports are keyed to the dates that such reports are to be filed with the FCC. This year all reports were due no later than July 3.

## Analysis

### *Background*

Section 214(e)(2) of the Telecommunications Act of 1996 (Act) authorizes state public utility commissions to designate telecommunications carriers eligible to receive federal USF support. The Commission first exercised this authority in December 1997 when it designated Oregon's incumbent local exchange carriers (ILECs) as ETCs.<sup>1</sup> Since then, the Commission has designated several wireless carriers and non-ILEC wireline carriers (collectively referred to as competitive ETCs or CETCs) to receive federal USF high-cost and Lifeline (low-income) support.<sup>2</sup> The Commission has also granted limited designations to several carriers only for the purpose of receiving Lifeline support, however, the rules do not specify that states need to certify these Lifeline-only ETCs.<sup>3</sup>

As set forth in 47 C.F.R. § 54.314(a), the FCC requires states to file annual certifications with the FCC to enable the continuation of high-cost support to their state-designated ETCs. The certification must state that all federal high-cost support provided to ETCs within the state “was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.” If the state fails to make such certification by the deadline, the ETCs will not receive federal USF support for the coming year. In the case of Auction 904, commonly referred to as RDOF, the FCC issued a notice and waiver that long-form applicants authorized for RDOF support would be required to file their first FCC Form 481 by July 3, 2023.

Every year since 2006, in order to make this annual certification to the FCC, the Commission has required ETCs to submit reports. The reports also serve to demonstrate each ETC's ongoing compliance with designation requirements. The Commission first established requirements for the reports in Docket No. UM 1217, Order No. 06-292. When the FCC transformed its universal service program to include support for broadband services, it also established new annual reports (beginning in 2013) that all ETCs must file regardless of any existing state requirements for

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<sup>1</sup> See Order No. 97-481, Docket No. UM 873.

<sup>2</sup> Currently, the wireless carriers designated for federal high-cost support in Oregon are AT&T Mobility LLC, United States Cellular Corporation, Eagle Telephone System Inc. dba Snake River PCS, and Viasat. The wireline competitive carriers designated for high-cost support are Douglas Services, Inc. dba Douglas Fast Net, Charter Fiberlink OR-CCVII, LLC, Beacon Broadband, Inc, Hood River Electric Cooperative, Siuslaw Broadband, LLC dba Hyak, Hunter Communications & Technologies, LLC and Columbia Fiber, LLC.

<sup>3</sup> Currently, the Lifeline-only ETCs are Casco dba Peak Demand, i-wireless LLC dba Access Wireless, Monmouth Independence Network (MINET), and Warm Springs Telecommunication Company. Assurance Wireless USA, L.P. relinquished its ETC designation as of April 1, 2022, and Boomerang Wireless LLC dba enTouch Wireless relinquished its designation on October 15, 2022.

reporting.<sup>4</sup> To reduce the resulting duplicative reporting burdens on Oregon ETCs, the Commission approved the replacement of its own reports with those required by the FCC through several orders adopted in Docket No. UM 1648.

### *2023 Filings*

In this filing, the data is from 2022, which is the most recent full calendar year for which data is available. For the calendar year 2022, Oregon ETCs received approximately \$83.0 million of federal high-cost support. The funds reflect a mixture of support for existing voice services as well as for expansion of broadband internet access services. The specific Oregon ETCs that receive federal high-cost funding and are eligible for ETC recertification are listed in Attachment A, with some companies operating on a consolidated basis with others. In addition, Oregon ETCs received approximately \$2.2 million of federal Lifeline support in 2022. This is a 46 percent decrease over the previous year, which is due to Virgin Mobile USA dba Assurance Wireless who relinquished their ETC designation as of April 1, 2022, and will no longer receive lifeline support. The Lifeline funds are received by high-cost ETCs as well as Lifeline-only ETCs.

Each year Staff requests that a new docket be opened to address annual ETC reports and certification for that year. This year's docket is Docket No. UM 2279. Staff reviewed all of the ETC reports and certifications filed in Docket No. UM 2279. Each ETC that was required to file a report has filed an annual report.

The ETC's that filed with the Commission and that are included in this recommendation are listed in Attachment A. This year includes an additional six wireline competitive carriers that began to receive RDOF distributions in 2022: Charter Fiberlink OR-CCVII, LLC; Beacon Broadband, Inc; Hood River Electric Cooperative; Siuslaw Broadband, LLC dba Hyak; Hunter Communications & Technologies, LLC; and Columbia Fiber, LLC.

### Conclusion

Staff concludes on its review that the ETCs have met the annual reporting requirements for this year and recommends that the Commission proceed to accept the reports and to certify Oregon ETCs receiving high-cost support to the FCC. The certification will enable the ETCs to continue receiving federal universal service support for the benefit of the residents of Oregon.

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<sup>4</sup> See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 et al., released November 18, 2011 (*Transformation Order*), and *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42 et al., FCC 12-11, released February 6, 2012.

**PROPOSED COMMISSION MOTION:**

Issue an order in Docket No. UM 2279:

1. Certifying that all federal high-cost support provided to the ETCs listed in Attachment A within Oregon was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, and that the ETCs listed in Attachment A are eligible to receive federal universal service high-cost support pursuant to 47 C.F.R. § 54.314; and
2. Accepting the 2023 annual reports of all ETCs currently designated in Oregon.

**Attachment A**      **ORDER NO. 23-353**  
**Eligible Telecommunications Carriers**  
**Certified to Receive Federal Universal Service Fund High-Cost Support**

| <b>Company Name</b>   | <b>USAC Study Area Code</b> |
|---|-----------------------------|
| Asotin Telephone Co dba TDS Telecom                                 | 532404                      |
| AT&T Mobility LLC   | 539010                      |
| Beacon Broadband, Inc   | 539023                      |
| Beaver Creek Cooperative Telephone Company                          | 532359                      |
| Canby Telephone Association dba Directlink                          | 532362                      |
| Cascade Utilities, Inc. dba Reliance Connects                       | 532371                      |
| CenturyTel of Oregon, Inc. dba CenturyLink                          | 532361                      |
| CenturyTel of Eastern Oregon, Inc. dba CenturyLink                  | 532361                      |
| Charter Fiberlink OR-CCVII, LLC                                     | 539021                      |
| Clear Creek Mutual Telephone Company dba Clear Creek Communications | 532363                      |
| Colton Telephone Company dba Coltontel                              | 532364                      |
| Columbia Fiber, LLC   | 539026                      |
| Douglas Services. Inc. dba Douglas Fast Net                         | 536129                      |
| Eagle Telephone System, Inc.  | 532369                      |
| Eagle Telephone System, Inc., dba Snake River PCS                   | 539007                      |
| Gervais Telephone Company dba DataVision                            | 532373                      |
| Helix Telephone Co.   | 532376                      |
| Hood River Electric & Internet Co-op                                | 539025                      |
| Home Telephone Company  | 532377                      |
| Hunter Communications & Technologies, LLC                           | 539027                      |
| Molalla Telephone Company dba Molalla Communications Company        | 532383                      |
| Monitor Cooperative Telephone Company dba Monitor Telecom           | 532384                      |
| Monroe Telephone Company  | 532385                      |
| Mt Angel Telephone Company (part of Canby Tel.)                     | 532386                      |
| Nehalem Telecommunications, Inc. dba RTI Nehalem Telecom            | 532387                      |
| North-State Telephone Co.   | 532388                      |
| Oregon-Idaho Utilities Inc.   | 532390                      |
| Oregon Telephone Corporation  | 532389                      |
| Oregon Tel. Corp MTE-Oregon   | 533336                      |
| People's Telephone Co.  | 532391                      |
| Pine Telephone System, Inc.   | 532392                      |
| Pioneer Telephone Cooperative dba Pioneer Connect                   | 532393                      |
| Qwest Corporation dba CenturyLink                                   | 535163                      |
| Roome Telecommunications Inc. dba RTI                               | 532375                      |
| Scio Mutual Telephone Association                                   | 532397                      |
| Siuslaw Broadband, LLC dba Hyak                                     | 539024                      |
| Stayton Cooperative Telephone Company                               | 532399                      |
| St. Paul Cooperative Telephone Association                          | 532396                      |
| Trans-Cascades Telephone Company dba Reliance Connects              | 532378                      |
| United States Cellular Corporation dba US Cellular                  | 539002                      |
| United Telephone Company of the Northwest dba Centurylink           | 532400                      |
| Viasat Carrier Services, Inc.                                       | 539020                      |
| Ziply Fiber Of Oregon LLC   | 533401                      |
| Ziply Fiber Northwest LLC   | 532416                      |

**Attachment B  
Sample Affidavit**

AFFIDAVIT CERTIFYING USE OF UNIVERSAL SERVICE FUNDS

State of: \_\_\_\_\_

County of: \_\_\_\_\_

I, \_\_\_\_\_ [name of company officer], being of lawful age and duly sworn, on my oath, state that I am the \_\_\_\_\_ [title] of \_\_\_\_\_ [Company name] and that I am authorized to execute this Affidavit on behalf of the Company, and the facts set forth in this Affidavit are true to the best of my knowledge, information and belief.

Pursuant to the requirements of the Federal Communications Commission, 47 C.F.R. § 54.314, \_\_\_\_\_ [Company name] hereby certifies to the Public Utility Commission of Oregon that it is eligible to receive federal high-cost support for the program years cited.

I attest that all federal high-cost support provided to \_\_\_\_\_ [Company name] in Oregon was used in the preceding calendar year (2022) and will be used in the coming calendar year (2023) only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_ (Officer's Name)

Its: \_\_\_\_\_ (Officer's Title)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary public, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_