

## Staff Briefing Papers

Meeting Date May 6, 2021

Agenda Item 1\*

Company Arrowhead Electric Coop  
Paul Bunyan Rural Tel Coop  
Wikstrom Telephone Company  
Consolidated Telephone Company  
Roseau Electric Cooperative  
Gardonville Coop Tel Assn  
Farmers Mutual Tel Co  
Federated Telephone  
Halstad Telephone Co  
Garden Valley Tel Co  
Winnebago Cooperative  
Midcontinent Communications  
Red River Telephone Association  
CenturyLink Communications  
Interstate Telecommunications Cooperative, Inc.  
Windstream Communications,

Docket No. **P-999/CI-21-86**  
**P6888/M-21-52**  
**P423/AM-21-56**  
**P432/M-21-57**  
**P406/AM-21-62**  
**P6996/M-21-67**  
**P527/M-21-73**  
**P522/AM-21-77**  
**P523/AM-21-81**  
**P530/M-21-83**  
**P409/AM-21-84**  
**P571/AM-21-92**

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

**P6186/SA-21-124****P558/M-21-132****P5096/M-21-158****P515/AM-21-180****P6158/M-21-248**

**In the Matter of a Notice to Rural Digital Opportunity Fund (RDOF) Grant  
Winners and Petitions for Eligible Telecommunications Carrier (ETC) Designation  
in Minnesota**

Issues                      Should the Commission approve each carrier's Request for ETC status for high cost support in the Census Blocks listed in each specific docket?

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### Relevant Documents

Date

#### Initial Filings

<b>Arrowhead Electric Cooperative Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P6888/M-21-52)</b>	January 15, 2021
<b>Paul Bunyan Rural Telephone Cooperative Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P423/AM-21-56)</b>	January 15, 2021
<b>Wickstrom Telephone Company Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P432/M-21-57)</b>	January 19, 2021
<b>Consolidated Telephone Company (CTC) Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P406/AM-21-62)</b>	January 20, 2021
<b>Roseau Electric Cooperative Initial Filing-ETC Expansion (P6996/M-21-67)</b>	January 21, 2021
<b>Gardonville Cooperative Telephone Association Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P527/M-21-73)</b>	January 25, 2021
<b>Farmers Mutual Telephone Company Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P522/AM-21-77)</b>	January 25, 2021
<b>Federated Telephone Cooperative Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P523/AM-21-81)</b>	January 26, 2021
<b>Halstad Telephone Company Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P530/M-21-83)</b>	January 27, 2021
<b>Garden Valley Telephone Company Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P409/AM-21-84)</b>	January 27, 2021
<b>Winnebago Cooperative Telecom Association Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P571/AM-21-92)</b>	January 29, 2021



## Relevant Documents

### Date

Midcontinent Communications Initial Filing-Petition to Expand Service Area (P6186/SA-21-124)	February 11, 2021
Red River Rural Telephone Association (Red River Communications) Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P558/M-21-132)	February 18, 2021
CenturyLink Communications Initial Filing ETC Petition (P5096/M-21-158)	March 3, 2021
Interstate Telecommunications Cooperative Inc. Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P515/AM-21-180)	March 12, 2021
Windstream Communications, LLC Initial Filing-Petition for Designation as an Eligible Telecommunications Carrier (P6158/M-21-248)	April 6, 2021
Red River Rural Telephone Association Letter Amending ETC Request Petition (P558/M-21-132)	April 7, 2021

## Party Comments

Comments of the Minnesota Department of Commerce (P-999/CI-21-86 et al.)	March 26, 2021
Comments of the Office of the Attorney General Residential Utilities Division (OAG) (P-999/CI-21-86 et al.)	March 26, 2021
Comments of the Minnesota Department of Commerce-Supplemental (P6158/21-248)	April 20, 2021

## Reply Comments

Reply Comments of Arrowhead Electric Cooperative (P6888/M-21-52)	April 12, 2021
Reply Comments of Paul Bunyan Cooperative (P423/AM-21-56)	April 12, 2021
Reply Comments of Wikstrom Telephone Company (P432/M-21-57)	April 12, 2021
Reply Comments of Consolidated Telephone Company (P406/AM-21-62)	April 12, 2021
Reply Comments of Roseau Electric Cooperative (P6996/M-21-67)	April 12, 2021
Reply Comments of Farmers Mutual Telephone Company (P522/AM-21-77)	April 12, 2021
Reply Comments of Federated Telephone Company (P523/AM-21-81)	April 12, 2021
Reply Comments of Halstad Telephone Company (P530/M-21-83)	April 12, 2021
Reply Comments of Garden Valley Telephone Cooperative (P409/AM-21-84)	April 12, 2021
Reply Comments of Winnebago Cooperative Telecom Association (P571/AM-21-92)	April 12, 2021

## Party Reply Comments



**Relevant Documents**

**Date**

<b>Reply Comments of the Minnesota Department of Commerce (P999/CI-21-86 et al.)</b>	April 12, 2021
<b>Reply Comments of the Office of the Attorney General-Residential Utilities Division (P999/CI-21-86 et al.)</b>	April 12, 2021
<b>Comments of the Minnesota Department of Commerce on the Petition of Windstream Communications, LLC (P6158/M-21-248)</b>	April 13, 2021

**Responses for Additional Information**

<b>Comments of Arrowhead Electric Cooperative (P6888/M-21-52)</b>	April 15, 2021 and April 19, 2021
<b>Comments of Paul Bunyan Telephone Association (P423/AM-21-56)</b>	April 14, 2021 and April 19, 2021
<b>Comments of Farmers Mutual Telephone Company (P522/AM-21-77)</b>	April 16, 2021
<b>Comments of Federated Telephone Cooperative (P523/AM-21-81)</b>	April 16, 2021
<b>Comments of Winnebago Cooperative Telephone Association (P571/AM-21-92)</b>	April 16, 2021
<b>Compliance Filing Response to Response for Additional Information Parts 1-6 (P515/AM-21-180)</b>	April 16, 2021
<b>Comments of Roseau Electric Cooperative (P6996/M-21-67)</b>	April 19, 2021
<b>Comments of Gardonville Cooperative Telephone Association (P527/M-21-73)</b>	April 19, 2021
<b>Comments of Halstad Telephone Company (P530/M-21-83)</b>	April 19, 2021
<b>Comments of Garden Valley Telephone Company (P409/AM-21-84)</b>	April 19, 2021
<b>Comments of Consolidated Telephone Company DBA CTC (P406/AM-21-62)</b>	April 19, 2021
<b>Comments of Midcontinent Communications – Additional Information from ETC Petitioner (P6186/SA-21-124)</b>	April 19, 2021
<b>Comments of CenturyLink-Response to Request for Additional Information (P5096/M-21-158)</b>	April 19, 2021
<b>Comments of Wikstrom Telephone Company (P432/M-21-57)</b>	April 19, 2021
<b>Comments of Red River Rural Telephone Association-Additional Information Responses(. P558/M-21-132)</b>	April 23, 2021
<b>Comments of Windsream Communications-Additional Information Responses(P6518/M-21-248)</b>	April 26, 2021

## I. Statement of the Issue

Should the Commission approve each carrier's Request for ETC status for high cost support in the census blocks listed in each specific docket?

## II. Background

### A. FCC Broadband Auction 904 Rural Digital Opportunity Fund I (RDOF I)

On December 7, 2020, the FCC released a Public Notice announcing the conclusion of Auction 904. Areas that will receive support through this auction are locations in census blocks that do not have access to broadband at speeds of at least 25 Mbps download speed and 3 Mbps upload speed ("25/3"). RDOF I will fund homes and businesses in census blocks that the FCC determines are entirely unserved by fixed voice and broadband at speeds of at least 25/3 Mbps.

Carriers awarded support in this auction must deploy broadband and voice service to the specified number of locations in eligible census blocks groups in which they bid within a six-year period at the speed tier specified in their bid. RDOF I funding will be disbursed over a ten-year period. RDOF funding will be disbursed in equal monthly installments over this period based upon the amount of their winning bid.

### B. Minnesota

In Minnesota, 24 companies, either singly, or in consortium with other providers, were winning bidders a total of \$408,150,745.60, to be distributed over ten years. These funds are in support of 142,852 locations that were previously unserved at 25/3 Mbps or greater. Most of the winning bidders committed to providing one gigabit per second service.

The FCC named a total of 24 companies as RDOF I winners for Minnesota locations.<sup>1</sup> They are shown in the Department's table below (See DOC March 26 Comments p. 3) with the 16 pending ETC status approvals in this proceeding provided below:

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<sup>1</sup> Aspire Networks, Docket No. 21-32 withdrew its petition to be designated as an ETC on March 17, 2021. Consolidated Communications, Inc. did not file a petition because all the census block in which they were successful bidder are already within their ETC area.

**Table 1: RDOF I Winners**

<b>Applicant</b>	<b>Docket No.</b>	<b>Support Over 10 Years</b>	<b>Census Blocks</b>	<b>Locations</b>
Arrowhead Electric Coop	21-52	\$18,462,273.10	440	4,879
CenturyLink, Inc.	21-158	15,646,093.10	516	3,265
Consolidated Tel (CTC)	21-62	2,040,278.70	121	976
Farmers Mutual Tel Company	21-77	759,822.00	116	332
Federated Telephone Coop	21-81	537,399.00	85	248
Garden Valley Tel. Coop	21-84	2,792,139.40	186	492
Gardonville Coop Tel Assn	21-73	63,903.00	10	24
Halstad Telephone Company	21-83	325,917.00	38	111
Interstate Telecom	21-180	51,748.60	153	402
Midcontinent Comm	21-124	4,453,803.70	688	6,058
Paul Bunyan Rural Tel Coop	21-56	16,307,892.10	779	5,088
Red River Rural Telephone Assn dba Red River Communications	21-132	29,952.00	5	11
Roseau Electric Coop, Inc.	21-67	1,228,494.00	76	266
Wikstrom Telephone Co	21-57	983,637.00	93	228
Windstream Lakedale, Inc.	21-248	6,548,964.10	257	2,899
Winnebago Coop Telecom	21-92	20,541.70	57	178

The petitions on the agenda for May 6, 2021 are from existing ILECs, CLECs or previously designated ETCs seeking ETC designation in new geographic areas. The remaining petitions for ETC designation for RDOF recipients that do not have a certificate of authority in Minnesota will be on the agenda for May 13, 2021.

### **C. Federal Criteria for ETC Designation.**

To qualify for ETC designation under federal law, a carrier must meet the following requirements:<sup>2</sup>

- (A) Offer telecommunications services, which includes:
- a. voice grade access to the publicly switched network or its functional equivalent;
  - b. minutes of use for local service at no additional charge;
  - c. toll limitation to qualifying low-income consumers; and
  - d. access to 911 and enhanced 911 emergency services to the extent the local government has implemented these systems in an eligible carrier's service area.

<sup>2</sup> 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201, 202. The FCC has waived requirements D and F for the CAF II and RDOF funding.

- Either using its own facilities or a combination of its own facilities and resale of another carrier's services (§54.101 (a)); and
- (B) Advertise the availability of such services and the charges therefor using media of general distribution (§54.201 (d)(2));
  - (C) Certify that it will comply with the service requirements applicable to the support it receives (§54.202 (1)(i));
  - (D) Submit a five-year improvement plan (§54.202 (1)(ii)).
  - (E) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of backup power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes (§54.202 (2));
  - (F) Demonstrate that it will satisfy applicable consumer protection and service quality standards (§54.202 (3)).<sup>3</sup>

To facilitate review of whether each petitioner meets these standards and applicable FCC rules, Staff issued a questionnaire to petitioners on April 5, 2021. A compilation of responses to the questionnaire, along with the recommendation of the Department, OAG and Staff on ETC certification is included in a separate spreadsheet filed herewith.

#### **D. Recent Commission ETC Decisions**

On February 8, 2019, the Commission issued five Orders Approving Requests for ETC Status for High Cost Support in Certain Census Blocks for several carriers.<sup>4</sup> In those Orders, the Commission determined the following:

47 USC § 214(e) (2) authorizes state commissions to designate a common carrier that meets the requirements of 47 USC § 214(e) (I) as an ETC for a service area designated by the state commission. Thus, the Commission has the authority to designate telecommunications companies as ETCs to receive universal service support.

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<sup>3</sup> For recipients of Connect America Fund ("CAF") Phase II support, the FCC waived the requirement that winning bidders seeking an FCC ETC designation file a five-year improvement plan and demonstrate that it will satisfy applicable consumer protection and service quality standards. See Connect America Fund, et al., WC Docket No. 1090 et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) (CAF Phase II Auction Order) at ¶¶ 157-68. Similarly, for purposes of the RDOF, the FCC incorporated by reference the analysis of forbearance factors that it considered and found warranted in CAF Phase II. See RDOF Auction Order at ¶ 95 & n. 271 and internal citations. See also Auction 904 Procedures Order at ¶ 136 & n. 308.

<sup>4</sup> Jaguar Communications (P-999/CI-18-634 and P-5891/M-18-675), Midcontinent (P-999/CI-18-634 and P-6186/M-18-661), LTD Broadband LLC (P-999/CI-18-634 and P-6995/M-18-653), Broadband Corp. (P-999/CI-18-634 and P-6994/M-18-665), and Roseau Electric Cooperative Inc. (P-999/CI-18-634 and P-6996/M-18-679) (February 8, 2019 Orders).

 Staff Briefing Papers for Docket Nos. . P-999/CI-21-86 P6888/M-21-52 P423/AM-21-56 P432/M-21-57 P406/AM-21-62 P6996/M-21-67 P527/M-21-73 P522/AM-21-77 P523/AM-21-81 P530/M-21-83 P409/AM-21-84 P571/AM-21-92 P6186/SA-21-124 P558/M-21-132 P5096/M-21-158 P515/AM-21-180 P6158/M-21-248 on May 6, 2021

The Commission agrees with the [Office of Broadband Development] that Minnesota providers using VoIP service are offering voice telephony services eligible for federal universal service support. The FCC's 2011 Transformation Order and FCC Rules 54.1018 make clear that the regulatory classification of VoIP as either a telecommunication service or an information service is irrelevant for purposes of this proceeding.<sup>5</sup>

In these Orders, the Commission also determined that these carriers provided voice telephony consistent with 47 C.F.R. §54.101 (a). The Commission determined these carriers were offering VoIP service consistent with the FCC's 2011 Transformation Order which made clear that additional platforms that provide voice telephony service are entitled to universal service support. The Commission approved these carriers' requests based on the federal ETC designation requirements.

The Minnesota Department of Commerce requested reconsideration in dockets P-6995/M-18-653 (LTD Broadband) and P-6994/M-18-665 (Broadband Corp.), which was denied.<sup>6</sup>

On February 14, 2019, the Commission issued an Order Approving Requests for ETC Status for High Cost Support in Certain Census Blocks. This Order approved ETC status for nine additional carriers.<sup>7</sup> In this Order, the Commission determined that:

The Commission agrees with the [Office of Broadband Development] and the Department that the Petitioners' filings satisfy the requirements for certification set forth by the Commission and the requirements implemented by the FCC's Connect America CAF II auction. The Commission finds that the filings demonstrate that the filing companies have used, and will continue to use, federal high-cost subsidies only to provide, maintain, and upgrade the facilities and services for which this support is intended. As these Petitioners are all telecommunications service providers, the Commission finds that the Department's VoIP analysis does not apply.<sup>8</sup>

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<sup>5</sup> Please see the February 8, 2019 Orders at p. 4

<sup>6</sup> In its request, the Department asked the Commission to require that these companies provide consumer protections, similar to the request in this docket.

<sup>7</sup> Wikstrom Telephone Company (P-999/CI-18-634 and P-432/M-18-549), West Central Telephone (P-999/CI-18-634 and P-431/AM-18-601), Paul Bunyan Telephone Cooperative (P-999/CI-18-634 and P-432/AM-18-605), Garden Valley Telephone Cooperative (999/CI-18-634 and P-409/AM-18-607), Halstad Telephone Company (999/CI-18-634 and P-530/M-18-626), Federated Telephone Cooperative (999/CI-18-634 and P-523/AM-18-630), Interstate Telecommunication's Cooperative (999/CI-18-634 and P-515/AM-18-637), Consolidated Telephone Company (999/CI-18-634 and P-406/AM-18-645), and Farmers Mutual Telephone Company (999/CI-18-634 and P-522/AM-18-718) (February 14, 2019 Order).

<sup>8</sup> Please see p. 9 of the Commission's February 14, 2019 Order. Also, please see pp. 7-9 of the Commission's February 14, 2019 Order.

## Parties' Comments

### Department

The Department's recommendations as to individual carriers are set forth in Addendum A hereto. Overall, the Department states that the Commission may choose to approve all ETC applications or may deny some or all the applications. While desired information, particularly concerning Lifeline service, was not provided by all carriers. The Department stated the Commission may wish to ask for such information at a future time, or in accordance with its annual review of ETC status from each company.

**1) Consumer Protections.** The Department asserts that the Commission has clear authority to adopt state-specific requirements applicable to ETCs. Many of the ETC petitioners have agreed to comply with the consumer protections afforded by the Commission's rules and the Department supports the Commission accepting the representations by these companies that they will comply with Commission rules. For those ETC petitioners that have not broadly agreed to comply with the Commission rules, the Department recommends that the Commission adopt 19 consumer protections from statutes and Commission rules that are applicable to certificated carriers in Minnesota. These 19 items are listed in Attachment 1 of the Department's March 26, 2021 comments (Addendum B of this document). The Department urges opening a new proceeding to determine if any of the protections listed therein should be changed or if any protections should be added.

Specifically, the Department recommends that the Commission state in its order:

- The Commission accepts the representations by those companies that stated in their petitions that they will comply with Commission rules.
- For those ETC petitioners that have not broadly agreed to comply with the Commission rules, the Commission adopts the consumer protections listed in Attachment 1 of the Department's March 26, 2021 comments.
- The Commission directs its Executive Secretary to open a new proceeding investigation to determine if any of the protections listed in Attachment 1 of the Department's March 26, 2021 comments should be changed or if any protections should be added.

**2) Stand-alone Voice.** The Department notes that all ETCs are required to provide qualifying voice service, including stand-alone voice service, within a reasonable period upon request. The FCC has explicitly stated that over-the-top VoIP is not acceptable to satisfy the voice obligation.

The Department recommends that the Commission state in its order:



- Over-the-top VoIP does not satisfy the FCC requirement to provide voice service.
- All ETCs are required to provide ‘stand-alone’ voice service to consumers upon request, within a reasonable period. To the extent that an ETC has a certificate of authority to operate in Minnesota, it may satisfy this requirement by reselling the telecommunications service of another provider. If the ETC does not have a certificate of authority to operate in Minnesota, it will need to bring voice service to the customer that is not “over-the-top” VoIP.

**3) Tribal Engagement.** The Department recommends that the Commission state in its order:

- ETCs that serve Tribal lands are required to engage the tribes on those areas specified in 47 C.F.R. §54.313, at minimum.
- ETCs needing assistance with Tribal engagement should contact the Tribal Liaisons at the Commission and the Department for help.

**4) Lifeline.** The Department recommends that the Commission state in its order:

- ETC are to have information about Lifeline on their website no later than the first offering of any ETC service to a consumer.
- ETCs recipients are encouraged to participate in Commission proceedings concerning Lifeline, including the current proceedings, dockets P999/CI-17-509 and P999/CI-20-747.

**5) Service Area Expansion.** The Department recommends that the Commission state in its order:

- ETCs that will be providing service subject to state jurisdiction, where they are not currently authorized to serve, must submit a petition for either new authority or a service area expansion, unless it is otherwise granted by the Commission in this Order.
- ETCs that will resell service subject to state jurisdiction of another provider to satisfy the requirement to provide stand-alone voice service must have authority from the Commission prior to providing the service.<sup>9</sup>

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<sup>9</sup> Please see Minnesota Department of Commerce March 26, 2021 comments at pp. 22-23.

## **Office of the Attorney General**

The OAG's March 26, 2021 comments review the full set of FCC laws and regulations associated with Universal Service support and describe the federal-state partnership. The OAG advocates for the Commission to impose additional regulations on RDOF ETCs. The OAG argues that to ensure the RDOF I support received by Minnesota ETCs is used for its intended purpose and the supported services are offered in a way that protects Minnesota consumers, the Commission should adopt the following obligations for RDOF I ETCs:

- Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
- Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
- Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
- Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp. 17-19 of the OAG's March 26, 2021 Comments;
- Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
- Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
  - Develop a consumer service inquiry process under which an ETC would annually explain how they determine whether they offer RDOF support in a particular consumer's area;
  - Comply with the consumer-protection obligations identified by the Department;
  - Provide network (broadband) buildout updates for the first two years of RDOF Phase I support; and
  - Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.

From the OAG's comments it does not appear that the OAG distinguishes enforcement of obligations regarding broadband from those associated with voice telephony. It asks the Commission to enforce the federal regulations associated with receipt of RDOF funding, for both voice and broadband. The OAG asserts that the Commission has a duty to ensure that the RDOF Phase I support received by Minnesota ETCs is used to provide reliable, high-quality voice and broadband services throughout the State. An ETC must account for how it operates

pursuant to its ETC designation and how it spends its RDOF Phase I support. A company that seeks an ETC designation in Minnesota must comply with the RDOF I ETC obligations the Commission adopts to advance federal Universal Service and protect consumers. The OAG argues that receipt of RDOF I support is a matter of privilege, not right, and the Commission should decline ETC designation for any company that does not wish to be bound by the Commission's ETC requirements.

Assuming the Commission adopts the OAG's proposed obligations, the OAG recommends ETC designation for "most of" the companies that seek it from the Commission.<sup>10</sup>

**Arrowhead, Paul Bunyan, Wikstrom, Consolidated, Roseau, Farmers, Federated, Halstad, Garden Valley, and Winnebago ("the companies")**

These ten carriers all filed comments of a very similar nature. As such, Staff will provide a single portrayal of the reply comments filed by these companies.<sup>11</sup> As ILECs and CLECs, the companies are already subject to Minnesota statutes and to the Commission's rules and requirements relating to provision of telephone service in Minnesota. These obligations include rules and requirements relating to: (1) consumer protections; (2) provision of stand-alone voice service; and (3) service area expansions. As ETCs, the companies are also already subject to all federal requirements pertaining to Tribal Engagement and Lifeline.

These companies have also established a record of meeting all local exchange carrier (LEC) service obligations and all obligations of an ETC.

Considering these facts, the companies do not object to recommendations in the Department Comments and the OAG Comments to impose obligations to meet existing Commission rules and requirements and federal requirements on entities that receive designation from the

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<sup>10</sup> The OAG made no recommendation regarding the petitions of Consolidated Communications, Inc., Fond du Lac Communications, Inc., and Windstream Services, LLC on the basis that they had not filed petitions with the Commission. On April 12, 2021, the OAG withdrew its objection to ETC status for Consolidated Communications of Minnesota. Consolidated is already an ETC in each of the census blocks for which it was designated the winner in the RDOF auction. Windstream Services, LLC filed its petition for designation as an ETC on April 6, 2021. Docket No. P6158/M-21-248 was assigned to this filing.

<sup>11</sup> With respect to the background of these companies, Arrowhead Electric Cooperative and Roseau Electric Cooperative are competitive local exchange carriers (CLECs) authorized by the Commission to provide Local Exchange Carrier (LEC) service in Minnesota. Roseau is an Eligible Telecommunications Carrier ("ETC") previously certified by the Commission. Consolidated (CTC), Farmers, Federated, Garden Valley, Halstad, Paul Bunyan, Wikstrom and Winnebago are all Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) previously authorized by the Commission to provide local exchange service in Minnesota and Eligible Communications Carriers (ETC) previously certified by the Commission.

Commission as an ETC for RDOF Phase I support.

The companies do oppose recommendations in the OAG Comments that would impose additional obligations on entities with established track records of meeting LEC service and ETC obligations. The recommendations that the companies oppose for established providers are the OAG recommendations that ETCs:

- Develop a consumer service inquiry process;
- Provide network buildout updates for the first two years of RDOF Phase I support; and
- Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.

There is no need to impose any of these additional obligations at this time, since none would become applicable at this early phase of the RDOF Phase I process. Further, the cost and feasibility of adopting these additional obligations, and the need for such processes with established LECs, are far from clear. As such, consideration of these obligations should not be part of this initial designation process.

Other than responses to the staff questionnaire, no additional comments were received from the following carriers: CenturyLink, Gardonville, Interstate, Midcontinent, Next Link, Red River Cooperative, and Windstream/Lakedale.

### III. Staff Analysis

Generally, the state commission's role is designate the ETC and to annually certify that all federal high-cost support received 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. However, the FCC has the authority for ongoing authority for virtually all other aspects of regulatory oversight of its high cost programs.

Below Staff provides the specific order language from the Commission's February 14, 2019 Order Approving Requests for ETC Status for High Cost Support in Certain Census Blocks in Docket No. P-999/CI-18-634 et al. (February 14, 2019 Order) and the FCC's April 30, 2019 Order (see Addendum C). Both orders illustrate the factors utilized by both the Minnesota Public Utilities Commission and the FCC in granting carriers ETC designations.

#### A. Commission Precedent

In the Commission's February 14, 2019 Order, the Commission approved ETC status for nine companies. The following is an excerpt from the February 14, 2019 Order at pages 7-9:

### “III. Commission Action

47 U.S.C. § 214(e)(2) authorizes state commissions to designate common carriers that meet the requirements of 47 U.S.C. § 214(e)(1) as an ETC for a service area designated by the state commission. Thus, the Commission has the authority to designate telecommunications companies as ETCs to receive universal service support.

#### A. ETC Requirements

To qualify as an ETC, a local service provider must commit to providing certain services as a common carrier:

- Voice grade access to the public switched network or its functional equivalent;
- Minutes of use for local service provided at no additional charge to end users;
- Toll limitation to qualifying low-income consumers; and
- Access to 911 and enhanced 911 emergency services to the extent the local government has implemented these systems in an eligible carrier’s service area.

An ETC must also advertise the availability of these services using media of general distribution in a manner reasonably designed to reach those likely to qualify for the service.

In addition, the FCC requires each ETC to do the following:

- Certify that it will comply with the service requirements applicable to the support it receives;
- Demonstrate its ability to remain functional in emergency situations;
- Demonstrate that it will satisfy applicable consumer-protection and service-quality standards;
- Demonstrate financial and technical ability to provide Lifeline service;
- Provide a description of its Lifeline service offering; and
- Demonstrate that its ETC designation is in the public interest.

#### B. Common Carrier Requirements for ETC Designation

The Commission agrees with the Department that each Petitioner has been operating as an ETC since Incumbent Local Exchange Carriers (ILECs) were designated an ETC by Minn. R. 7811.1400. Each Petitioner’s expansion means that service is anticipated to be offered in those areas in the same manner as the ILEC service. The Commission agrees with the Department that each Petitioner is a common carrier as defined in 47 U.S.C. § 153(11).

#### C. Supported Services Required for ETC Designation

Each Petitioner has affirmed that it provides voice telephony services listed in Minn. R. 7812.0600 and 47 C.F.R. § 54.101(a), including 1) voice grade access to the public switched network, 2) minutes of use for local service at no additional charge to end users, 3) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, and 4) toll limitation for qualifying low-income consumers.

#### D. Other Conditions

The Commission finds that by the provisions of each Petitioner's tariff as well as the Commission's service quality rules, all Petitioners satisfy the applicable consumer protection and service quality standards of 47 C.F.R. § 54.202(a)(3).

The Commission also finds that each Petitioner satisfies emergency readiness to remain functional in emergency situations, as required by 47 C.F.R. § 54.202(a)(2).

Nor does the Commission find any inadequacy in the Petitioners' advertising plans. And, as all original ETC designations that are being amended here were found to be in the public interest, and these petitions are designed to enhance service in areas recognized by the FCC as underserved and eligible for CAF II support, the Commission finds that granting the requested ETC designations is in the public interest.

Finally, the Commission finds that each company's proposed service areas conform to federal and state law.

#### E. Commission Action

The Commission agrees with the OBD and the Department that the Petitioners' filings satisfy the requirements for certification set forth by the Commission and the requirements implemented by the FCC's Connect America CAF II auction. The Commission finds that the filings demonstrate that the filing companies have used, and will continue to use, federal high-cost subsidies only to provide, maintain, and upgrade the facilities and services for which this support is intended..... (February 14, 2019 Order at pp. 7-9)."

Nothing in the industry, federal regulation, or circumstances with respect to the carriers in these dockets has changed appreciably to make the Commission's analysis different for the dockets before the Commission on May 6.

The Commission might also consider a 2019 FCC order, excerpted in Addendum C hereto, which analyzed ETC certification. That decision demonstrates the FCC's practice is not to require additional consumer protections at the ETC certification determination. Similarly, the state commission's role is to designate the ETC and to annually certify that all federal high-cost support received 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. Beyond that, the FCC has the authority for virtually all other aspects of regulatory oversight of its high cost programs.

## **B. Staff Analysis and Recommendations**

Staff agrees with the companies group of carriers that because these carriers are being certificated ILECs and/or CLECs, they are already subject to Minnesota statutes and Commission rules. Accordingly, requirements relating to consumer protections, provision of stand-alone voice service, and service area expansions already apply to them. In addition, as ETCs, these carriers are subject to all federal requirements pertaining to tribal engagement and Lifeline. As such, the Department's proposed regulations in its Appendix I (Addendum B) appear to be redundant in this context.

Additionally, the record of this proceeding is void of any showing of deficiencies on the part of existing or future ETCs. In fact, these companies have established records of meeting all their service obligations and obligations of an ETC. As such, the imposition of additional obligations to meet Commission and FCC rules is neither necessary nor appropriate.

Likewise, it is unclear what would be gained by the OAG-proposed additional obligations to develop a consumer inquiry process, provide network buildout updates and monitor ETC proceedings. The OAG's proposals appear to be at odds with the Commission's limited jurisdiction to certify ETC carriers that meet federal requirements. Much of what the OAG is proposing may encroach into the FCC's exclusive role in administering the FCC's high cost programs. Additionally, the current state of the record has not vetted the OAG's proposals to the extent necessary to identify any unintended consequences.

### **Administrative Follow Ups**

Staff also believes that given the importance of ensuring all administrative details are tied up, the Commission should delegate authority to the Executive Secretary to issue notices or letters as necessary to communicate with the FCC or other entities regarding Broadband's ETC status. Carriers are required to submit additional information to the FCC by June 7, 2021 in order to secure their funding, including proof of ETC status with the relevant state commission. While the Commission's Order in this docket will likely fulfill that requirement, staff believes out of an abundance of caution it would be helpful to take the additional step of authorizing the Executive Secretary to make any other written communications that may be necessary.

#### IV. Decision Options

##### Should the Commission approve each carrier's Request for ETC status for high cost support in the Census Blocks listed in each specific docket?

**Staff Note #1:** Option number 2 (a-f) represents the recommendations of the OAG. Option number 3 (a-e) represents the recommendations of the Department.

**Staff Note #2:** Items A. through P. below are identical decision options. The only difference between each of the decision options is the company in question. Item Q. delegates authority to the Executive Secretary.

##### A. Arrowhead Electric Cooperative, Docket No. P6888/M-21-52

1. Find the requirements for ETC designation have been met, approve Arrowhead's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):



- i. Develop a consumer service inquiry process;
  - ii. Comply with the consumer-protection obligations identified by the Department;
  - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
  - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
  
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
  - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
  
4. Deny the Company's petition.

**B. CenturyLink Communications, LLC, Docket No. P5096/M-21-158**

1. Find the requirements for ETC designation have been met, approve CenturyLink's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;



- b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.



- e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
- 4. Deny the Company's petition.

**C. Consolidated Telephone Company DBA CTC, Docket No. P406/AM-21-62**

- 1. Find the requirements for ETC designation have been met, approve CTC's petition for ETC designation in the census blocks listed in its petition.
- 2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and



- iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
    - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
    - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
    - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
    - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
    - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
  4. Deny the Company's petition.

**D. Farmers Mutual Telephone Company, Docket NO. P522/AM-21-77**

1. Find the requirements for ETC designation have been met, approve Farmers Mutual Telephone Company's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;



- c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**E. Federated Telephone Cooperative, Docket No. P523/AM-21-81**

1. Find the requirements for ETC designation have been met, approve Federated Telephone Cooperative's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:



- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**F. Garden Valley Telephone Cooperative, Docket No. P409/AM-21-84**

1. Find the requirements for ETC designation have been met, approve Garden Valley Telephone Cooperative's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;



- e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**G. Gardonville Cooperative Telephone Association, Docket No. P527/M-21-73**

- 1. Find the requirements for ETC designation have been met, approve Gardonville Cooperative Telephone Association's petition for ETC designation in the census blocks listed in its petition.

2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
  - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.



- c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**H. Halstad Telephone Company, Docket No. P530/M-21-83**

- 1. Find the requirements for ETC designation have been met, approve Halstad Telephone Company's petition for ETC designation in the census blocks listed in its petition.
- 2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;



- ii. Comply with the consumer-protection obligations identified by the Department;
  - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
  - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
- 3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
  - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
- 4. Deny the Company's petition.

**I. Interstate Telecommunications Cooperative, INC, Docket No. P515/AM-21-180**

- 1. Find the requirements for ETC designation have been met, approve Interstate Telecommunications Cooperative's petition for ETC designation in the census blocks listed in its petition.
- 2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;

- c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
    - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
    - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
    - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
    - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
    - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
  4. Deny the Company's petition.



**J. Midcontinent Communications, Docket No. P6186/M-21-124**

1. Find the requirements for ETC designation have been met, approve Midcontinent Communications' petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:



- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**K. Paul Bunyan Rural Telephone Cooperative, Docket No. P423/AM-21-56**

1. Find the requirements for ETC designation have been met, approve Paul Bunyan Rural Telephone Cooperative's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;



- e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**L. Red River Rural Telephone Association DBA Red River Communications, Docket No. P558/M-21-132**

- 1. Find the requirements for ETC designation have been met, approve Red River Communications' petition for ETC designation in the census blocks listed in its petition.



2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
  - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.



- c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**M. Roseau Electric Cooperative, Inc., Docket No. P6996/M-21-67**

- 1. Find the requirements for ETC designation have been met, approve Roseau Electric Cooperative's petition for ETC designation in the census blocks listed in its petition.
- 2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;



- ii. Comply with the consumer-protection obligations identified by the Department;
  - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
  - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
- 3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
  - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
- 4. Deny the Company's petition.

**N. Wikstrom Telephone Company, Docket No. P432/AM-21-57**

- 1. Find the requirements for ETC designation have been met, approve Wikstrom Telephone Company's petition for ETC designation in the census blocks listed in its petition.
- 2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;



- c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
    - a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
    - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
    - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
    - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
    - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
  4. Deny the Company's petition.



**O. Winnebago Cooperative Telecom, Docket No. P571/AM-21-92**

1. Find the requirements for ETC designation have been met, approve Winnebago Cooperative Telecom’s petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company’s petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG’s March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG’s March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG’s March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG’s March 26, 2021 Comments;
  - e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG’s March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG’s March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company’s petition subject to the requirements recommended by the Minnesota Department of Commerce which include:



- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.

**P. Windstream/Lakedale, Docket No. P6518/M- 21-248**

1. Find the requirements for ETC designation have been met, approve Windstream/Lakedale's petition for ETC designation in the census blocks listed in its petition.
2. Approve the Company's petition subject to the following obligations for RDOF I ETCs as recommended by the OAG:
  - a. Acknowledge and agree to comply with the FCC-mandated general ETC obligations discussed in section V, subsection A p. 14 of the OAG's March 26, 2021 Comments;
  - b. Acknowledge and agree to comply with the FCC-mandated RDOF Phase I-specific ETC obligations discussed in section V, subsection B pp. 14-16 of the OAG's March 26, 2021 Comments;
  - c. Acknowledge and agree to comply with the FCC-mandated High Cost Program-specific ETC obligations discussed in section V, subsection C pp. 16-17 of the OAG's March 26, 2021 Comments;
  - d. Acknowledge and agree to comply with the FCC-mandated Lifeline Program-specific ETC obligations for High Cost Program ETCs discussed in section V, subsection D pp.17-19 of the OAG's March 26, 2021 Comments;



- e. Acknowledge and agree to comply with the Commission obligations for High Cost Program ETCs discussed in section VI pp. 19-20 of the OAG's March 26, 2021 Comments; and
  - f. Agree to comply with the following OAG-proposed ETC obligations (pp. 20-22 of OAG's March 26, 2021 Comments):
    - i. Develop a consumer service inquiry process;
    - ii. Comply with the consumer-protection obligations identified by the Department;
    - iii. Provide network buildout updates for the first two years of RDOF Phase I support; and
    - iv. Monitor open Commission ETC-related proceedings for additional obligations that may arise after the receipt of an RDOF Phase I ETC designation.
3. Approve the Company's petition subject to the requirements recommended by the Minnesota Department of Commerce which include:
- a. Consumer Protections as listed in Attachment 1 of the Department's March 26, 2021 Comments.
  - b. Stand-alone Voice as described on page 23 of the Department's March 26, 2021 Comments.
  - c. Tribal Engagement as described on page 23 of the Department's March 26, 2021 Comments.
  - d. Lifeline as described on page 23 of the Department's March 26, 2021 Comments.
  - e. Service Area Expansion as described on page 23 of the Department's March 26, 2021 Comments.
4. Deny the Company's petition.
- Q.** Delegate authority to the Executive Secretary to issue notices and/or letters to the Federal Communications Commission, or any other entity, if necessary, to facilitate communication of the petitioners' ETC status as designated by this Commission. **(Staff Recommended)**

## **ADDENDUM A – Department Recommendations for individual Carriers:**

### **Department Recommendations Regarding Each Petitioner<sup>12</sup>**

#### **A. Arrowhead Electric Cooperative, Docket No. P6888/M-21-52**

##### **1. Background**

On April 20, 2012, Arrowhead Electric Cooperative (Arrowhead) received its certificate of authority to operate as a Minnesota CLEC in Docket No. P6888/NA-12-231. Arrowhead operates in the Grand Marais, Hovland, Silver Bay and Tofte exchanges in Lake and Cook Counties. Arrowhead had not filed with the Commission for designation as an ETC prior to the current petition.

In the current docket, Arrowhead is requesting ETC designation in the census blocks awarded in the RDOF auction and is also requesting ETC designation in remaining portions of its CLEC service area.

As an award winner in Phase 1 of the FCC’s RDOF auction, Arrowhead will receive \$18,462,273.10 in assigned support over 10 years for 4,879 assigned locations. The affected census blocks, listed in Exhibit 3 of Arrowhead’s petition, are in Cook County.

##### **2. Department Recommendation**

The Department recommends approval of the carrier’s petition for designation as an ETC in remaining portions of its CLEC service area, and in the locations designated for receipt of its RDOF award, subject to the conditions established by the Commission for all petitioners.

#### **B. CenturyLink Communications, LLC, Docket No. P5096/M-21-158**

##### **1. Background**

CenturyLink Communications, LLC (CenturyLink) received its certificate of authority to provide long distance service in the Commission’s December 8, 1994 Order in Docket No. P5096/NA-94-883. On October 13, 1999, CenturyLink received its certificate of authority to operate as a CLEC in Docket No. P5096/NA-99-939. CenturyLink’s first filing for designation as an ETC is in the current docket. CenturyLink is an affiliate of other incumbent and competitive local carriers operating in Minnesota including, among others, Qwest Corporation dba CenturyLink.

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<sup>12</sup> Please see March 26,2021 Minnesota Department of Commerce comments at pp.13-22.

CenturyLink will receive \$15,646,093.10 in assigned support for 10 years for 3,265 assigned locations in Minnesota. CenturyLink's RDOF census blocks fall outside the areas of its ILEC affiliates.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the census blocks designated for receipt of its RDOF award, subject to the conditions established by the Commission for all petitioners.

### C. Consolidated Telephone Company DBA CTC, Docket No. P406/AM-21-62

#### 1. Background

Consolidated Telephone Company dba CTC (Consolidated) currently operates as an ILEC serving the exchanges of Freedhem, Leader, Lincoln, Mission, Motley, Nokay Lake, Outing, Pillager, Randall, and Sullivan Lake. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's September 2, 2004 Order in Docket No. P406/NA-04-1212. Consolidated received its first designation as an ETC in the Commission's February 14, 2019 Order in Docket No. P406/AM-18-645.

Consolidated will receive \$2,040,278.70 in assigned support for 10 years for 979 assigned locations and 121 census blocks in Minnesota. The census blocks are in the Deerwood, Aitkin, Bennetville, Crosby, Little Falls, Browerville, and Staples exchanges.

#### 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### D. Farmers Mutual Telephone Company, Docket NO. P522/AM-21-77

#### 1. Background

Farmers Mutual Telephone Company (Farmers) currently operates as an ILEC serving the exchanges of Bellingham, Cerro Gordo, and Marietta. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's November 28, 2007 Order in Docket No. P522/AM-07-1372 and the February 25, 2009 Order in Docket No. P522/AM-09-12. Farmers was designated as an ETC in the Commission's July 26, 2012 Order in Docket No. P522/AM-12-188 and the February 14, 2019 Order in Docket No. P522/AM-18-718.

Farmers will receive \$759,822 in assigned support for 10 years for 332 assigned locations in Minnesota.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### E. Federated Telephone Cooperative, Docket No. P523/AM-21-81

#### 1. Background

Federated Telephone Cooperative (Federated) currently operates as an ILEC serving the exchanges of Big Bend, Chokio, Correll, Danvers, Hancock, Holloway, Milan, and Odessa. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's October 13, 2014 Order in Docket No. P523/M-14-678, the April 3, 2015 Order in Docket No. P523/M-15-261, and the January 14, 2016 Order in Docket No. P523/SA-15-1074. Federated was designated as an ETC in the Commission's July 26, 2012 Order in Docket No. P523/AM-12-119 and the February 14, 2019 Order in Docket No. P523/AM-18-630.

Federated will receive \$537,399 in assigned support for 10 years for 248 assigned locations in Minnesota.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### F. Garden Valley Telephone Cooperative, Docket No. P409/AM-21-84

#### 1. Background

Garden Valley Telephone Company (Garden Valley) currently operates as an ILEC serving the exchanges of Bagley, Beltrami, Brooks, Clearbrook, Erskine, Fertile, Fosston, Gatzke, Gonvick, Goodridge, Grygla, Gully, Lengby, Leonard, Maple Bay, McIntosh, Mentor, Minerva, Oklee, Plummer, Red Lake Falls, Shevlin, St. Hilaire, and Winger. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's April 5, 2017 Order in Docket No. P409/SA-17-175 and April 25, 2018 Order in Docket No. P409/SA-18-203 Garden

Valley was designated as an ETC in the Commission's July 2, 2018 Order in Docket No. P409/M-17-837 and the February 14, 2019 Order in Docket No. P409/AM-18-607.

Garden Valley will receive \$2,792,139.40 in assigned support for 10 years for 492 assigned locations in Minnesota. The census blocks are in Mahnomon, Marshall, Pennington and Polk Counties.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### G. Gardonville Cooperative Telephone Association, Docket No. P527/M-21-73

#### 1. Background

Gardonville Cooperative Telephone Association (Gardonville) currently operates as an ILEC serving the exchanges of Brandon, Evansville, Garfield, and Millerville. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's April 9, 2015 Order in Docket No. P527/SA-15-277 and the June 1, 2017 Order in Docket No. P527/SA-17-301.

Gardonville will receive \$63,903 in assigned support for 10 years for 24 assigned locations in Minnesota.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### H. Halstad Telephone Company, Docket No. P530/M-21-83

#### 1. Background

Halstad Telephone Company (Halstad) currently operates as an ILEC serving the exchanges of Bygland, Climax, Fisher, Halstad, Nielsville, and Shelby. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's February 22, 2016 and August 4, 2016 Orders in Docket No. P530/SA-16-84. Halstad has previously been granted ETC certification in the Commission's July 2, 2018 Order in Docket No. P530/M-17-838.

Halstad will receive \$325,917 in assigned support for 10 years for 24 assigned locations in Minnesota.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### I. Interstate Telecommunications Cooperative, INC, Docket No. P515/AM-21-180

#### 1. Background

Interstate Telecommunications Cooperative, Inc. (Interstate) currently operates as an ILEC operating in the East Elkton, East Gary, Hendricks, and Lake Benton exchanges. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's December 19, 2018 Order in Docket No. P515/SA-18-680.

Interstate will receive \$51,748.60 in assigned support for 10 years for 153 locations in Minnesota. The census blocks are in Lincoln County.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### J. Midcontinent Communications, Docket No. P6186/M-21-124

#### 1. Background

Midcontinent Communications (Midco) is a CLEC that received its certificate of authority to provide resold local services in the Commission's November 7, 2002 Order in Docket No. P6186/NA-02-1541. Midco then received its certificate of authority to provide resold local services in the Commission's March 26, 2007 Order in Docket No. P6186/NA-07-160. Midco subsequently expanded its service area in numerous other dockets. Midco received Commission approval for designation as an ETC in the Commission's December 12, 2006 Order in Docket No. P6186/M-06-1251. Midco then filed to expand its ETC status in Docket Nos. P6186/M-06-1348, P6186/M-16-39, P6186/M-17-230, P6185/M-18-207, and P6186/SA-18-761.

Midco will receive \$4,453,803.70 in assigned support for 10 years for 6,058 assigned locations in Minnesota. The census blocks that are the subject of the RDOF award are in the Pease, Glendorado and South Haven rate centers in Mille Lacs, Sherburne, and Stearns County.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in remaining portions of its CLEC service area and in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners. Also approve the proposal of Midco to expand its service area to cover the RDOF rate centers listed in Exhibit 1 of its petition, contingent upon the following:

1. Filing any necessary tariff updates.
2. Filing and receiving Commission approval of any necessary updates to its 911 plan.<sup>13</sup>

K. Paul Bunyan Rural Telephone Cooperative, Docket No. P423/AM-21-56

1. Background

Paul Bunyan Rural Telephone Cooperative dba Paul Bunyan Communications (Paul Bunyan) currently operates as an ILEC in the following exchanges: Ash River, Becida, Deer River, Kelliher, LaPorte, Northome, Ponemah, Puposky, Red Lake, Solway, Squaw Lake, Turtle River. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's Orders in Docket Nos. P423/NA-98-1674, P423/AM-02-1557, P423/AM-06-71, P423/AM-07-83, P423/AM-09-71, P423/AM-12-959, P423/AM-13-129, P423/SA-16-929, and P423/M-16-930. Paul Bunyan has previously been granted ETC certification in Docket Nos. P423/M-15-433, P423/M-17-854, and P423/M-18-605.

Paul Bunyan will receive \$16,307,892.10 in assigned support for 10 years for 5,088 assigned locations in Minnesota. The census blocks included in the RDOF award are in Aitkin, Cass, Hubbard, Itasca, Koochiching, and St. Louis Counties.

2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

L. Red River Rural Telephone Association DBA Red River Communications, Docket No. P558/M-21-132

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<sup>13</sup> The Commission previously granted Midco's petition for an amended certificate of authority to expand service area for all the areas described in the P6186/M-21-124 in its March 26, 2021 Order in Docket No. P6186/SA-20-893. The Commission does not need to take any action regarding the Company's certificate of authority.



## 1. Background

Red River Rural Telephone Association, dba Red River Communications (Red River) currently operates as an ILEC serving the exchanges of Barnesville, Fairmont, Kent and Rollag. The carrier is not currently certificated to operate as a CLEC. Red River's current petition for RDOF designation is being handled in Docket No. P558/M-21-132 and is its first ETC filing with the Commission pertaining to areas outside of its ILEC service areas.

Red River will receive \$29,952 in assigned support for 10 years for 11 assigned locations in Minnesota. The census blocks included in the RDOF award are in northwestern Minnesota.

Red River has also amended its filing to reflect that its voice service offering is "not over-the-top" interconnected VoIP service. The Department therefore amends its recommendation to include Red River in its list of companies that the Commission should approve, along with the five recommendations applicable to all carriers.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### M. Roseau Electric Cooperative, Inc., Docket No. P6996/M-21-67

#### 1. Background

Roseau Electric Cooperative, Inc. (Roseau) holds a certificate of authority to operate as a CLEC pursuant to the Commission's January 9, 2019 Order in Docket No. P6996/NA-18-676. The carrier has previously been granted ETC certification in Docket No. P6996/M-18-679.

Roseau will receive \$1,228,494 in assigned support for 10 years for 266 assigned locations in Minnesota.

#### 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award, subject to the conditions established by the Commission for all petitioners.

### N. Wikstrom Telephone Company, Docket No. P432/AM-21-57



## 1. Background

Wikstrom Telephone Company (Wikstrom) currently operates as an ILEC. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's September 16, 2009 Order in Docket No. P432/NA09-984. Wikstrom has previously been granted ETC certification in the Commission's February 14, 2019 Order in Docket No. P432/M-18-549.

Wikstrom will receive \$983,637 in assigned support for 10 years for 228 locations in Minnesota. The census blocks included in the RDOF award are in Kittson, Roseau and Marshall Counties.

## 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### O. Winnebago Cooperative Telecom, Docket No. P571/AM-21-92

#### 1. Background

Winnebago Cooperative Telecom Association (Winnebago) currently operates as an ILEC operating in the Conger, Emmons, North Rake, and Twin Lakes exchanges. The carrier holds a certificate of authority to operate as a CLEC pursuant to the Commission's May 10, 2007 Order in Docket No. P571/AM-07-387 and the December 30, 2010 order in Docket No. P571/M-10-1217. Winnebago has previously been granted ETC certification in Docket No. P571/AM-14-147.

Winnebago will receive \$20,541.70 in assigned support for 10 years for 178 locations in Minnesota.

#### 2. Department Recommendation

The Department recommends approval of the carrier's petition for designation as an ETC in the locations designated for receipt of its RDOF award subject to the conditions established by the Commission for all petitioners.

### P. Windstream/Lakedale, Docket No. P6518/M- 21-248

#### 1. Background

As an RDOF recipient, Windstream Comm will receive \$6,533,570 in assigned support for 10 years for 20 census block groups in Minnesota. These census blocks are partially located outside the service areas where Windstream Comm affiliates serve as the incumbent local exchange carrier (ILEC). Where Windstream Comm affiliates already holds the necessary ETC designation,



Staff Briefing Papers for Docket Nos. . P-999/CI-21-86 P6888/M-21-52 P423/AM-21-56  
P432/M-21-57 P406/AM-21-62 P6996/M-21-67 P527/M-21-73 P522/AM-21-77 P523/AM-21-81  
P530/M-21-83 P409/AM-21-84 P571/AM-21-92 P6186/SA-21-124 P558/M-21-132 P5096/M-21-  
158 P515/AM-21-180 P6158/M-21-248 on May 6, 2021

there is no need for ETC certification for receipt of RDOF funds. The census blocks where Windstream Comm is the RDOF award recipient are in Anoka, Chisago, Hennepin, Isanti, and Sherburne Counties.

## 2. Department Recommendation

The Department recommends the Commission approve the petition of Windstream Communications, LLC for designation as an ETC in the location designated for receipt of its RDOF award, subject to the conditions established by the Commission for all ETC petitions, as identified in the Department's March 26, 2021 Comments in Docket No. P999/CI-21-86.

## **ADDENDUM B – Department’s Attachment 1 – Additional Consumer Protections**

### ATTACHMENT 1

#### POTENTIAL CONSUMER PROTECTION REGULATIONS

- 1) **Informational Tariff or Price list.** Keep on file with the Department of Commerce an up to date price list of services that are related to the company’s service offerings as an ETC. [ref. Minn. Stat. 237.07] [ref. Minn. Stat. 237.07]
- 2) **Commission and Department Investigation.** Cooperate with Commission/Department investigations and resultant Commission orders on matters associate with either federal or State ETC obligations. [ref. Minn. Stat. 237.081]
- 3) **Complete all calls.** Ensure that all intrastate calls will be completed. [ref Minn. Stat. 237.131]
- 4) **Provide credit for incorrect Directory Assistance calls.** Provide credit if a customer informs company of incorrect call. [ref. Minn. Stat. 237.155]
- 5) **Pending sale or change of control.** Inform the Commission regarding any pending sale or change in control of the company’s operations, in conjunction with apprising the FCC [Minn. Stat. 237.231]
- 6) **Annual notice.** Send out, one time per year, plus immediately after becoming a customer, a notice in plain language concerning customer rights and obligations, including: a. How to make a complaint b. The existence of the Commission’s Consumer Affairs Office (CAO) and its phone number. [ref. Min. Stat. 237.66]
- 7) **Telephone Assistance Plan.** Collect and remit the TAP fee when customers subscribe to voice service and apply the TAP credit to customers enrolled in Lifeline, if the customer subscribers to voice service either on a stand-alone basis or as part of a bundled service. [ref Minn. Stat. 237.69- 237.72]
- 8) **Prohibition against Loading.** Agree not to charge customers for services for which they did not explicitly contract and to credit the customer’s monthly bill upon complaint. [ref Minn. Stat. 237.663]
- 9) **Notice Requirements.** Send customers any required notices at least five days (excluding Sundays and legal holidays) in advance of the action being taken. [ref Minn. R. 7810.2300]
- 10) **Report Outages.** Promptly informing the regulatory agencies about any development or occurrence which disrupts service or affects the ability of a substantial number of customers to call 9-1-1. [Minn. R. 7810.0600]

11) **Anti-slamming.** Prevent the unauthorized switching of voice providers. [ref. Minn. Stat. 237.661]

12) **Customer billing.** Provide regular, correct customer bills, agree to provide credit for service outages. Provide to any customer who requests it, information on prices, charges, and services available. [ref. Minn. R. 7810.1400] 2

13) **Complaints.** Make personnel available to hear inquiries and complaints, investigate complaints, and respond to the PUC CAO office within 5 days of being forwarded a customer complaint. [ref. Minn. R. 7810.1100]

14) **Deposits.** Charge for deposits in accordance with Minn. R. 7810.1600 and Minn. Stat. 325E.02 (b)

15) **Disconnections.** Disconnect customers only in accordance with Minn. R. 7810.1800, 7810.1900, 7810.2000, and 7810.2100.

16) **Bill Disputes.** Agree not to disconnect over any disputed amount without investigating first, and allowing for the establishment of an escrow account [ref. Minn. R. 7810.2400]

17) **Resolve interruptions of service promptly.** [ref. Minn. R. 7810.5800]

18) **Customer Trouble Reports.** Receive customer trouble reports 24 hours per day in accordance with Minn. R. 7810.5900

19) **Maintain plant and equipment.** Furnish and maintain adequate plant, equipment and facilities to consistently meet required standards of speed, quality, and latency. [ref.7810.4900]

## ADDENDUM C (FCC Decision on ETC Certification)

### FCC ETC Decision

Below is an excerpt from an FCC order on a group of ETC petitions before it. The FCC received four ETC petitions from New York state carriers. All four carriers provided letters from the New York Public Service Commission declining ETC jurisdiction based on the petitioners offering only broadband and Voice over Internet Protocol (VoIP). As a result, the FCC had the authority to decide the petitions.

In approving these petitions, the FCC determined the following in its April 30, 2019 Order:

11. *Designated Service Area.* Each petitioner describes a designated service area based on all CAF-eligible census blocks covered by its Connect America Phase II award (as listed in Attachment B to this Order).
12. *Offering the Services Supported by the Universal Service Support Mechanisms.* We find that each of the petitioners establishes through the required certifications and related filings that it will offer the services supported by the federal universal service support mechanisms.
13. *Compliance with the Service Requirements Applicable to Connect America Phase II Support Awarded through the New York Program.* We find that each of the petitioners establishes its ability to comply with service requirements applicable to the support that it receives. This determination takes into account that the petitioners must demonstrate, as part of their FCC applications, the technical and financial ability to provide voice and broadband services meeting or exceeding Connect America Phase II standards and comply with all relevant public interest obligations. Moreover, once authorized, the petitioners must satisfy certain reporting obligations to ensure that the support received is being used efficiently and appropriately and that service requirements are being met.
14. *Compliance with Service Requirements Applicable to Lifeline Services.* Each petitioner commits to offering Lifeline discounts to qualifying low-income consumers, consistent with the Commission's rules, in all high-cost areas where it is authorized to receive support.
15. *Offering the Supported Services Using a Carrier's Own Facilities.* Each petitioner certifies that it is a facilities-based provider of broadband and voice services.
16. *Advertising Supported Services.* Each petitioner commits to advertising the availability of the supported services and related charges using media of general distribution. We emphasize that, as part of this commitment, an ETC must

advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers.

17. *Ability to Remain Functional in Emergency Situations.* Each petitioner states that it can remain functional in emergency situations. Each petitioner states that it has sufficient back-up power to ensure functionality in the designated service area without an external power source, can re-route traffic around damaged facilities, and can manage traffic spikes resulting from emergency situations. (Please see FCC April 30, 2019 Order paragraphs 11-17, DA19-354)

In its public interest analysis as part of its April 13, 2019 Order, the FCC concluded the following:

19. We conclude that the petitioners' participation in universal service programs would be in the public interest and would provide numerous benefits to consumers. Through participation in the New York Program and completion of the Commission's subsequent application process, the petitioners demonstrate that they can offer voice and broadband service in high-cost areas efficiently and at a price and quality comparable to the service offerings in more competitive areas. Moreover, granting these petitions will serve the interests of low-income consumers by ensuring the availability of new, facilities-based Lifeline services at competitive prices in these areas. Given these commitments and associated representations, granting the ETC designations will help ensure increased consumer choice, affordability, and improved quality of service.
20. Accordingly, based on the information, representations, and certifications in their petitions, we find that the petitioners have met all applicable conditions and prerequisites for ETC designation and that conditionally granting these petitions serves the public interest. (Please see FCC April 30, 2019 Order paragraphs 19-20, DA19-354)

With respect to its ongoing oversight role of ETCs, the FCC provided the following analysis:

21. Under section 254(e) of the Act, each of these petitioners must use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." Under section 214(e), each of the petitioners must provide supported services throughout their service area. To help ensure compliance with these requirements, the Commission requires these petitioners to file an annual certification that all federal high-cost support received 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. The Commission conditions future



support awarded through the high-cost program on the filing of such certification. In addition, petitioners must file annual reports detailing their ongoing compliance with service standards, must annually report location deployment data, and must certify by specific deadlines deployment to a specific number of locations.

22. We find that reliance on petitioners' commitments to meet these and other regulatory requirements, as well as representations and commitments made in their petitions, is reasonable and consistent with the public interest and the Act. We conclude that fulfillment of these additional reporting requirements will further the Commission's goal of ensuring that petitioners satisfy their obligation under section 214(e) of the Act to provide supported services throughout their respective designated service areas.
23. The Commission may initiate an inquiry on its own motion to examine any ETC's records and documentation to ensure that the universal service support the ETC receives is being used "only for the provision, maintenance, and upgrading of facilities and services" in the areas in which it is designated as an ETC. Petitioners must provide such records and documentation to the Commission and USAC upon request. If a petitioner fails to fulfill the requirements of the Act, the Commission's rules, and the terms of this Order after it begins receiving universal service support, the Commission has authority to revoke the petitioner's ETC designation. The Commission also may assess forfeitures for violations of Commission rules and orders. (Please see FCC April 30, 2019 Order paragraphs 21-23, DA19-354)