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RURAL BROADBAND AUCTIONS TASK FORCE ANNOUNCES WINDOW TO FILE MOBILE LEGACY HIGH-COST SUPPORT USAGE FLEXIBILITY CERTIFICATION

GN Docket No. 20-32

The Rural Broadband Auctions Task Force, in coordination with the Wireline Competition Bureau (Bureau) and the Office of Economics and Analytics (Office), today announces the opening of the window for competitive eligible telecommunications carriers (ETCs) that receive legacy high-cost support for mobile services to file an optional certification about their use of such support. Competitive ETCs that choose to file this certification must complete the form provided in the Attachment and submit their completed forms no later than August 16, 2021.

In the 2011 *USF/ICC Transformation Order*, the Commission committed to adopt additional public interest obligations for mobile competitive ETCs, as a condition of receiving additional support, if there was a pause in the planned phase down of legacy support.¹ Fulfilling this commitment, the Commission adopted a requirement that competitive ETCs spend an increasing percentage of their support on the deployment of 5G services as a new public interest obligation for the receipt of legacy high-cost support for mobile services.² Each legacy support recipient is now required to spend at least one-third of the support it receives for 2021, at least two-thirds of the support it receives for 2022, and all support it receives for 2023 and every year thereafter toward the deployment, maintenance, and operation of mobile voice and broadband networks that support 5G meeting certain performance requirements within its subsidized service areas.³ This 5G deployment requirement will help to ensure that the latest advanced wireless networks are deployed to all areas of the country, including those still receiving legacy mobile high cost support.

The Commission, however, also recognized that competitive ETCs' budgets and deployment plans for 2021 may have already been finalized at the time that these requirements were adopted.⁴ The Commission therefore granted competitive ETCs the flexibility to spend less than the required one-third of their legacy support in 2021 on 5G and make up any shortfall by proportionally increasing the requirement to spend at least two-thirds of their legacy support in 2022 on 5G. To take advantage of this support usage flexibility, the Commission adopted a requirement that competitive ETCs electing to do so certify to the Bureau to their use of legacy support.⁵

¹ *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663, 17832, para. 299 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom. In re FCC 11-161*, 753 F. 3d 1015 (10th Cir. 2014).

² *See Establishing a 5G Fund for Rural America*, Report and Order, 35 FCC Rcd 12174, 12200-01, para. 65 (2020).

³ *Id.*

⁴ *Id.*

⁵ *See* 47 CFR § 54.322(c)(4).

A competitive ETC that chooses to take advantage of the support usage flexibility adopted by the Commission must file the certification form provided in the Attachment no later than August 16, 2021. An electronic, fillable version of the certification form in PDF format may also be downloaded from the following URL: <https://www.fcc.gov/document/mobile-legacy-high-cost-support-usage-flexibility-certification-pn>. **All filings are to reference GN Docket No. 20-32.** Certifications must be filed using the Commission's Electronic Comment Filing System (ECFS).

For further information, contact the Rural Broadband Auctions Task Force at RuralBroadbandAuctions@fcc.gov.

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