

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
Telecommunications Carriers Eligible for Universal ) WC Docket No. 09-197
Service Support )
Federal-State Joint Board on Universal Service ) WC Docket No. 10-90
Connect America Fund )

ORDER

Adopted: December 20, 2023

Released: December 20, 2023

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we approve the request of BroadLife Communications, Inc. (BroadLife) to relinquish its eligible telecommunications carrier (ETC) designation in Alabama.1 BroadLife seeks this relinquishment in connection with the approval and consummation of a transaction transferring all of its Rural Digital Opportunity Fund (RDOF) support and associated obligations to Yellowhammer Networks, LLC (Yellowhammer).2

2. To obtain universal service funds, a carrier must be designated as an ETC under section 214(e)(1) of the Communications Act, as amended (Act).3 Although section 214(e)(2) grants states the primary role in designating ETCs, section 214(e)(6) provides that the Federal Communications Commission should designate ETCs in limited circumstances, i.e., where the carrier is not subject to the jurisdiction of a state.4 Section 214(e)(4) of the Act provides that in the case of a carrier designated as an ETC by the Commission pursuant to section 214(e)(6), the Commission shall permit an ETC to relinquish its designation "in any area served by more than one [ETC]" so long as "the remaining [ETCs] ensure that

1 See Petition of BroadLife Communications, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 15, 2023) (Relinquishment Petition); Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund, WC Docket Nos. 09-197; 10-90, Order, 36 FCC Rcd 9384 (WCB 2021) (designating BroadLife as an ETC in areas where BroadLife was eligible to receive RDOF support, conditioned upon, limited to, and effective upon its authorization to receive this support) (BroadLife ETC Designation Order); Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids, AU Docket No. 20-34 and WC Docket Nos. 19-126 & 10-90, Public Notice, 37 FCC Rcd 4897, Attach. A (WCB/OEA 2022) (authorizing BroadLife to receive \$26,461,542 in RDOF support over ten years for deployment to 7,483 locations in 953 census blocks in Alabama) (BroadLife RDOF Authorization Order).

2 Domestic Section 214 Application Granted for the Acquisition of Certain Assets of BroadLife Communications, Inc. by Yellowhammer Networks, LLC, WC Docket 23-23, Public Notice, DA 23-473 at 1, 5 (WCB June 1, 2023) (Transfer Order) (approving the transfer of the domestic section 214 authorization from BroadLife to Yellowhammer, including the transfer of RDOF support, subject to, and conditioned upon, Yellowhammer's authorization to receive this support).

3 47 U.S.C. § 214(e)(1).

4 Id. § 214(e)(6).

all customers served by the relinquishing carrier will continue to be served.”<sup>5</sup> Consistent with this statutory provision, once the requesting ETC makes the required showing under section 214(e)(4), the Commission must grant the request for relinquishment.

3. On June 1, 2023, the Wireline Competition Bureau (Bureau) approved an application to transfer a domestic section 214 authorization from BroadLife to Yellowhammer (together, Parties).<sup>6</sup> As a result of this approval, Parties received consent for the transfer of certain assets from BroadLife to Yellowhammer, including RDOF support, subject to, and conditioned upon, Yellowhammer’s authorization to receive this support.<sup>7</sup> On June 13, 2023, the Bureau designated Yellowhammer as an ETC in certain areas in Alabama eligible for the transferred RDOF support, conditioned upon, and limited by, its authorization to receive this support, and effective only upon such authorization.<sup>8</sup> The transaction was consummated on September 15, 2023,<sup>9</sup> and on October 3, 2023, the Bureau authorized Yellowhammer to receive the transferred support.<sup>10</sup> At this time, USAC discontinued the eligibility of the study area code (SAC) as assigned to BroadLife, SAC 259060, and assigned to Yellowhammer a new SAC 259063 for the ETC designated area.<sup>11</sup>

4. On September 15, 2023, BroadLife filed a petition to relinquish its ETC designation in the ETC designated area.<sup>12</sup> In this petition, BroadLife states that it had not expended RDOF support or undertaken any deployment activities in the areas covered by the ETC designation,<sup>13</sup> “has not provided and does not provide any services,” and “has no subscribers in Alabama or elsewhere.”<sup>14</sup> Further, BroadLife states that Pinebelt (in part) and Mediacom and Comcast (in full) operate as competitive carriers in the ETC designated area.<sup>15</sup> Finally, BroadLife states that pursuant to the transaction,

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<sup>5</sup> *Id.* § 214(e)(4).

<sup>6</sup> *See Transfer Order* at 1, 5; *see also* Application of BroadLife Communications, Inc. and Yellowhammer Networks, LLC for Consent to Assignment of Domestic Section 214 Authorization, WC Docket No. 23-23 (filed Jan. 13, 2023) (Application), as supplemented, Letter from Stephen Coran, Counsel to Yellowhammer Networks, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-23 (filed Feb. 15, 2023) (Application Supplement).

<sup>7</sup> *See* 47 U.S.C. § 214; 47 CFR §§ 63.03-04. ETCs seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Act or to engage in the sale of assets under section 214 “must first receive approval from the Commission in accordance with sections 63.03 and 63.04 of the Commission’s rules governing the procedures for domestic transfer of control/asset applications.” *BroadLife RDOF Authorization Order*, 37 FCC Rcd at 4904-05. “Transfers of control and assignments of international section 214 authorizations are separately subject to section 63.24 of the Commission’s rules. Except where the Commission has forborne from the application of section 214, this requirement applies to all transfers of control or asset acquisitions involving ETCs.” *Id.*

<sup>8</sup> *See Telecommunications Carriers Eligible for Universal Service Support*, Order, DA 23-505 (WCB June 13, 2023).

<sup>9</sup> Application Supplement.

<sup>10</sup> *Authorization of Yellowhammer Networks, LLC to Receive Digital Opportunity Fund Support Transferred from BroadLife Communications, Inc.*, WC Docket 10-90, Public Notice, DA 23-926 (WCB Oct. 3, 2023) (*Yellowhammer Authorization Order*).

<sup>11</sup> *See id.* at 3.

<sup>12</sup> *See generally* Relinquishment Petition; *BroadLife ETC Designation Order*, 36 FCC Rcd 9384. The Bureau sought comment on BroadLife’s petition for relinquishment of its ETC designation. *See Wireline Competition Bureau Seeks Comment on Petition for Relinquishment of Eligible Telecommunications Carrier Designation Submitted by BroadLife Communications, Inc.*, Public Notice, DA 23-927 (WCB Oct. 3, 2023). No comments were filed.

<sup>13</sup> *See* Relinquishment Petition at 2.

<sup>14</sup> *Id.*

Yellowhammer would assume responsibility to provide service, including voice service, consistent with RDOF obligations, throughout the ETC designated area.<sup>16</sup> Based on these circumstances, we conclude that it is appropriate to grant BroadLife's petition to relinquish its ETC designation in the designated service area.

5. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(4), and the authority delegated in sections 0.91 and 0.291 of the Commission's Rules, 47 CFR §§ 0.91, 0.291, the Petition of BroadLife Communications, Inc. for Relinquishment of its Eligible Telecommunications Carrier Designation in Alabama is GRANTED and RELINQUISHED.

6. IT IS FURTHER ORDERED that BROADLIFE COMMUNICATIONS, INC. SHALL TRANSMIT a copy of this order to the Universal Service Administrative Company (USAC).

7. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Jodie C. Griffin  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>15</sup> See *id.* at 2-3.

<sup>16</sup> See *id.* at 3; see also *Yellowhammer Authorization Order*, DA 23-925 at 2-3 (citing *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 745, para. 139 (2020)).