**DA 24-181**

**Released: February 28, 2024**

**Wireline competition Bureau Announces certain RDOF and CAF II Auction census block groups are eligible for other funding programs**

**AU Docket No. 20-34**

**AU Docket No. 17-182**

**WC Docket No. 19-126**

**WC Docket No. 10-90**

By this Public Notice, the Wireline Competition Bureau (WCB) announces that BARConnects, LLC (BARConnects) (Study Area Code (SAC) 199026) and North Alabama Electric Cooperative (NAEC) (SAC 259057) have notified the Commission that they will not fulfill their commitment to offer voice and broadband service to certain census block groups (CBGs) within their Rural Digital Opportunity Fund (RDOF) and/or Connect America Fund (CAF) Phase II auction supported service areas.[[1]](#footnote-3) These providers will be subject to penalties, as described below, for the CBGs where they are defaulting.[[2]](#footnote-4)

By announcing that these providers will not serve the identified eligible census blocks within these CBGs, we notify stakeholders that the census blocks are eligible for funding from other federal and state funding programs subject to the rules of the other programs, furthering our responsibility to coordinate with other agencies to maximize the deployment of high-quality broadband service across the United States.[[3]](#footnote-5) To promote the efficient use of broadband funding, a number of funding programs make areas ineligible for broadband deployment funding where a service provider is already subject to an enforceable commitment to serve.[[4]](#footnote-6) Our announcement avoids leaving these areas unserved for the duration of the RDOF or CAF Phase II auction deployment terms,[[5]](#footnote-7) because providers may now have access to alternative funding to serve these areas.

In Appendix A, we provide a list of all the CAF Phase II auction and RDOF eligible census blocks contained within the CBGs that these carriers will not serve.[[6]](#footnote-8) In addition, we will also update the Broadband Funding Map to remove the census blocks from the support recipients’ service areas.[[7]](#footnote-9) Below, we provide a limited waiver of the Commission’s non-compliance rules to adjust support to reflect that these areas will not be served. BARConnects and NAEC otherwise remain subject to RDOF and CAF Phase II auction non-compliance measures for failure to meet the terms and conditions of support, including support recovery for all unserved locations at the end of the deployment term.[[8]](#footnote-10) We will continue to use the available tools to monitor these carriers’ compliance with the applicable deployment obligations in their respective remaining supported service areas.[[9]](#footnote-11)

While BARConnects and NAEC notified the Commission that they will not serve the identified census blocks, they are not withdrawing from RDOF and/or the CAF Phase II auction programs. The RDOF and CAF Phase II auction support program rules do not provide for partial withdrawals from the program. The Commission takes compliance with the terms and conditions of the CAF Phase II auction and RDOF programs seriously and imposes non-compliance measures if the requirements are not met.[[10]](#footnote-12) BARConnects and NAEC remain subject to program rules, including the applicable non-compliance measures,[[11]](#footnote-13) for the duration of the support term except as explained below, and they remain committed to serve the eligible census blocks within the remaining CBGs in their supported service areas with voice and broadband service meeting program requirements. BARConnects and NAEC also remain subject to all eligible telecommunication carrier (ETC) obligations unless and until they follow the relevant procedures to relinquish their designations in the areas where they will not meet their RDOF and/or CAF Phase II auction obligations.[[12]](#footnote-14) Additionally, BARConnects and NAEC cannot discontinue voice service without Commission approval.[[13]](#footnote-15)

On our own motion, we waive in part sections 54.320(d) and 54.806(c)(1) of the Commission’s rules for the census blocks identified in Appendix A and instruct USAC to stop paying support for the identified census blocks pursuant to section 54.320(c) of the Commission’s rules.[[14]](#footnote-16) Generally, the Commission’s rules may be waived for good cause shown.[[15]](#footnote-17) Waiver of the Commission’s rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.[[16]](#footnote-18)

Sections 54.320(d) and 54.806(c)(1) of the Commission’s rules set forth a non-compliance framework for RDOF and the CAF Phase II auction.[[17]](#footnote-19) RDOF and CAF Phase II auction support recipients are subject to interim service milestones by which they must serve a set number of locations across all of the eligible census blocks in the state each year.[[18]](#footnote-20) If a support recipient does not meet an interim service milestone, the support recipient is subject to the non-compliance measures associated with the relevant non-compliance tiers that scale with the size of the compliance gap, and which include reporting and the withholding of an increasing percentage of support.[[19]](#footnote-21) At the end of the deployment period, if the support recipient has not served the required number of locations after an opportunity to cure, we will recover support received for all defaulted locations on an average support per location basis across CBGs in the support recipient’s service area in a state as required by the Commission’s rules.[[20]](#footnote-22) We also will recover average support received for the unserved locations times a multiplier to reflect that the areas being defaulted on are likely some of the higher cost areas in the support recipient’s service area, plus, in most circumstances, an additional percentage of support that the Commission imposed to discourage non-compliance.[[21]](#footnote-23) Support is recovered sooner for support recipients in Tier 4 that have failed to serve more than 50% of the required number of locations and after having 50% of their support withheld for six months.[[22]](#footnote-24)

We find good cause to stop payments for the identified census blocks for the remainder of the support term with no opportunity to cure, rather than withhold and recover future support for the census blocks in accordance with the non-compliance tiers and support recovery process set forth in sections 54.320(d) and 54.806(c)(1) of the Commission’s rules.[[23]](#footnote-25) The Commission specifically adopted the non-compliance tiers and support recovery rules to incent carriers to come back into compliance with the service milestones.[[24]](#footnote-26) Here, we find there are special circumstances because the support recipients have notified the Commission that they will not serve these census blocks and thus have no intention of coming back into compliance by serving the locations within these census blocks later on in the deployment term. Moreover, we find that it serves the public interest to stop paying support for these census blocks immediately. As stewards of the public’s funding, it is our responsibility to implement safeguards to ensure that these funds are being used for their intended purpose.[[25]](#footnote-27) By stopping payments to these areas, we will ensure that we are not spending limited funds on locations that support recipients have no intention of serving and will reduce the risk that the Commission would not be able to recover support at the end of the support term for such locations.

Despite our limited waiver, which as we describe above is narrowly limited to stopping payments of future support for the identified census blocks, BARConnects and NAEC otherwise remain subject to sections 54.320(d) and 54.806(c)(1) of the Commission’s rules.[[26]](#footnote-28) If the support recipients fail to meet their interim service milestones by not serving the required number of locations based on their original authorized location total, they will be placed in the associated non-compliance tier.[[27]](#footnote-29) If the applicable non-compliance tier requires that we withhold an amount of support that exceeds the amount of support we have stopped paying for the identified census blocks, we will withhold an amount of additional support that equals the difference between: 1) the amount of support required to be withheld pursuant to section 54.320(d)(1), and 2) the amount of support we stopped paying for the identified census blocks.[[28]](#footnote-30) If the applicable non-compliance tier requires that we withhold less support than the amount of support we have stopped paying for the identified census blocks pursuant to our limited waiver, we will make no further adjustments to the support recipient’s monthly disbursement, i.e., we will withhold no support other than the support we stopped paying for the identified census blocks.[[29]](#footnote-31) At the end of the deployment period, we will apply section 54.320(d)(2) or 54.806(c)(1) to recover support for all unserved locations, including the locations covered by the identified census blocks.[[30]](#footnote-32) Any additional issues related to the support recovery required by sections 54.320(d)(2) and 54.806(c)(1) of the Commission’s rules will be addressed in a separate release.[[31]](#footnote-33)

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**Appendix A**

**BARConnects, LLC**

*RDOF Defaulted Census Blocks*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Applicant** | **FRN** | **State** | **Study Area Code** | **County** | **Census Block Number** |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001006 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001014 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001016 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001017 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001021 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001022 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001029 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001031 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001032 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001033 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001035 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001036 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001042 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001043 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001046 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001055 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001072 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001073 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001075 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001079 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001080 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001092 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001093 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001095 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001125 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001126 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001127 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001132 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001136 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001137 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001138 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001139 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001140 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001141 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001152 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001153 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001155 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001156 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001157 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150701001160 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150710001030 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Augusta | 510150710001037 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002013 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002014 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002018 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002031 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002042 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002044 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Botetourt | 510230402002045 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001002 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001003 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001008 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001009 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001010 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001063 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001090 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001095 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001096 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001117 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001126 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001132 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001134 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639301001148 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004010 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004013 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004014 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004017 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004021 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004034 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004035 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004039 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004043 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004072 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004074 |
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| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004081 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004089 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004090 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004095 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004098 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004110 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004113 |
| BARConnects, LLC | 0027842772 | Virginia | 199026 | Rockbridge | 511639303004114 |

*CAF Phase II Auction Defaulted Census Blocks*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Applicant** | **FRN** | **State** | **Study Area Code** | **County** | **Census Block Number** |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002014 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002015 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002017 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002018 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002019 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002020 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002029 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710002030 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001025 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001034 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001036 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001041 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001042 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001044 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001046 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001047 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001051 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001055 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001056 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001057 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001058 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001059 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001060 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001068 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001072 |
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| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001079 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001082 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001083 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001087 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Augusta | 510150710001088 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002000 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002005 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002006 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002007 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002008 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002009 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002010 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002011 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002015 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002023 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002025 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002032 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002034 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002035 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002036 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002038 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002039 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002041 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002052 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002055 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002056 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002058 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002059 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002061 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002063 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002064 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002075 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002077 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002080 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002084 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002089 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002095 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002098 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002099 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002102 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002109 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002119 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002120 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002131 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002137 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002164 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Botetourt | 510230402002183 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001001 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001005 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001006 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001015 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001018 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001019 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001028 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001029 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001030 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001036 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001045 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001051 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001055 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001062 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001120 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001122 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001139 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001140 |
| BARConnects, LLC | 0027842772 | Virginia | 196141 | Rockbridge | 511639301001145 |

**North Alabama Electric Cooperative**

*RDOF Defaulted Census Blocks*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Applicant** | **FRN** | **State** | **Study Area Code** | **County** | **Census Block Number** |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719509004049 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719509004061 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001052 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001053 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001056 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001057 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001058 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001063 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001065 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001066 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001090 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001092 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001097 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511001100 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002010 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002011 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002012 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002015 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002016 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002017 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002018 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002019 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002021 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002023 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002028 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002030 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002032 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002035 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002036 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002038 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002041 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002071 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002072 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002073 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002074 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002075 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002078 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002085 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511002087 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004053 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004057 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004059 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004063 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004089 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004093 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Jackson | 010719511004101 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001001 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001003 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001004 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001008 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001012 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001017 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001020 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001023 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001026 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001051 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001052 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001054 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001056 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001058 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001064 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001066 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001070 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001124 |
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| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001127 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001130 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001146 |
| North Alabama Electric Cooperative | 0026430645 | Alabama | 259057 | Marshall | 010950301001152 |

1. Letter from Keith Swisher, President, BARC Electric Cooperative, to Trent Harkrader, Chief, Wireline Competition Bureau, FCC, AU Docket No. 20-34 et al. (filed Feb. 27, 2024); Letter from Sean A. Stokes, Counsel to North Alabama Electric Cooperative, to Trent Harkrader, Chief, Wireline Competition Bureau, FCC, AU Docket No. 20-34 et al. (filed Feb. 27, 2024). BARConnects was authorized to receive $4,974,237.30 in CAF Phase II auction support over 10 years to serve 1,734 locations in Virginia, and $6,041,742.00 in RDOF support over 10 years to serve 1,962 locations in Virginia. *Connect America Fund Phase II Auction Support Authorized for 856 Winning Bids*, AU Docket No. 17-182 et al., Public Notice, 34 FCC Rcd 4725 (WCB/OEA 2019); *Rural Digital Opportunity Fund Support Authorized for 311 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 15809 (WCB/OEA 2021). NAEC was authorized to receive $8,482,612.50 in RDOF support over 10 years to serve 4,376 locations in Alabama. *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 4897 (WCB/OEA 2022). BARConnects is defaulting on 1,032 locations in its CAF Phase II auction service area and 810 locations in its RDOF service area. NAEC is defaulting on 879 locations in its RDOF service area. [↑](#footnote-ref-3)
2. BARConnects and NAEC remain committed to deploying service to the remaining CBGs in their respective RDOF and CAF Phase II auction supported areas. [↑](#footnote-ref-4)
3. Broadband Interagency Coordination Act of 2020, Pub. L. No. 116-260, § 904, 134 Stat. 1182, 3214 (codified at 47 U.S.C. § 1308 *et seq.*) (BICA) (requiring the Federal Communications Commission, the Department of Agriculture, and the National Telecommunications and Information Administration to “enter into an interagency agreement requiring coordination between the covered agencies for the distribution of funds for broadband deployment . . . .”). On June 25, 2021, the agencies announced that they had entered into an agreement. Press Release, FCC, FCC, NTIA and USDA Announce Interagency Agreement to Coordinate Broadband Funding Deployment (June 25, 2021), <https://www.fcc.gov/document/fcc-ntia-usda-sign-interagency-pact-broadband-funding-deployment> (last visited Feb. 28, 2024) (FCC, NTIA and USDA Interagency Agreement Press Release). In an effort to further facilitate broadband deployment funding coordination, on May 9, 2022, the FCC, USDA, and NTIA entered into an interagency agreement with the Department of Treasury. Press Release, FCC, FCC, NTIA, USDA and Treasury Announce Interagency Agreement to Collaborate on Federal Broadband Funding (May 12, 2022), <https://www.fcc.gov/document/fcc-ntia-usda-treasury-announce-broadband-info-sharing-agreement>. [↑](#footnote-ref-5)
4. *See, e.g.*, Department of Commerce, National Telecommunications and Information Administration, Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity at 36-37 & n.52 (May 13, 2022), <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> (BEAD Program NOFO) (explaining that any location that is already subject to an enforceable commitment for the deployment of qualifying broadband cannot be treated as unserved or underserved); Department of Commerce, National Telecommunications and Information Administration, Tribal Broadband Connectivity Program Round 2 Notice of Funding Opportunity at 10-11, 28 (July 27, 2023), <https://www.ntia.gov/sites/default/files/2023-07/ntia-tbcp-round2-nofo.pdf> (“A Tribal Government may not certify Tribal Lands covered under an Enforceable Buildout Commitment as defined [in the NOFO] . . ., as Unserved”); Department of Agriculture, Rural Utilities Service, Corrected Notice of Funding Opportunity for the Community Connect Grant Program for Fiscal Year 2023, 88 Fed. Reg. 87750, 87751 (Dec. 19, 2023) (“Areas receiving, or areas that have received final approval for, other federal funding to construct terrestrial facilities providing at least 10/1 Mbps service in the project Proposed Funded Service Area as of the date of this notice, and which have been reported to the agency, are ineligible.”); Department of Agriculture, Rural Utilities Service, Rural eConnectivity (ReConnect) Program Notice of Funding Opportunity, 89 Fed. Reg. 13035, 13036 (Feb. 21, 2024) (defining an enforceable commitment to mean “a legally enforceable obligation by any federal, state, or local agency, utilizing Federal Funds, to provide broadband service with speeds of at least 100 megabits per second (Mbps) downstream and 20 (Mbps) upstream”); Department of Treasury, Guidance for the Coronavirus Capital Projects Fund for States, Territories, and Freely Associated States, at 3-4 (Sept. 2021), <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf> (“To the extent Recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed, the Recipient should ensure that the Capital Projects Fund grant funding will not be used for costs that will be reimbursed by the other federal or state funding stream(s). That is, Capital Projects Fund grant funds must be used only for complementary purposes.”). [↑](#footnote-ref-6)
5. CAF Phase II auction recipients must offer the required service to 100% of the required number of locations by December 31, 2025. *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31 FCC Rcd 5949, 5964, para. 40 (2016) (*CAF Phase II Auction Order*); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 35 FCC Rcd 109, 112, para. 9 (2020). RDOF recipients authorized in 2021 and 2022 must offer the required service to 100% of their original location total by December 31, 2027 and December 31, 2028, respectively. *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 709, para. 45 (2020) (*RDOF Order*). If more locations than the original estimated are identified during the support term, recipients will have an additional two years to serve the additional locations subject to limited exceptions. *Id.* at 710, para. 49. [↑](#footnote-ref-7)
6. The minimum geographic unit for bidding for both RDOF and the CAF Phase II auction was a CBGcontaining one more eligible census blocks. While bidders were required to bid at the CBG level, they can only use their support to offer service in the eligible census blocks within those CBGs. *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6146, para. 213 (2020); *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, AU Docket No. 17-182 et al., Public Notice, 33 FCC Rcd 1428, 1493, para. 203 (2018). [↑](#footnote-ref-8)
7. Federal Communications Commission, National Broadband Map, <https://broadbandmap.fcc.gov/home> (last visited Feb. 28, 2024). [↑](#footnote-ref-9)
8. *See, e.g*., 47 CFR §§ 54.320(c), (d), 54.806(b), (c). [↑](#footnote-ref-10)
9. *See, e.g.*, 47 CFR §§ 54.316, 54.320(d)(1). [↑](#footnote-ref-11)
10. *See,* *e.g.,* 47 CFR §§ 54.320(c), (d), 54.806(b), (c); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15694-700, paras. 142-54 (2014) (*2014 Connect America Order*) (adopting a framework for support reductions, support recovery, and reporting obligations that are calibrated to the extent of a support recipient’s non-compliance with service milestones); *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 46 (explaining that compliance with CAF Phase II auction deployment obligations would be determined at the state level); *RDOF Order*, 35 FCC Rcd at 710, para. 48 (explaining that compliance with RDOF deployment obligations would be determined at the state level). [↑](#footnote-ref-12)
11. *See, e.g*., 47 CFR §§ 54.320(c), (d), 54.806(b), (c). [↑](#footnote-ref-13)
12. 47 U.S.C. § 214(e)(4). [↑](#footnote-ref-14)
13. 47 U.S.C. § 214(a); 47 CFR § 63.71. [↑](#footnote-ref-15)
14. 47 CFR §§ 54.320(c), (d); 54.806(b), (c)(1). Section 54.320(c) of the Commission’s rules states that support recipients that “fail to comply with public interest obligations or any other terms and conditions may be subject to further action, including . . . reductions in support amounts . . . .” 47 CFR § 54.320(c). [↑](#footnote-ref-16)
15. 47 CFR § 1.3. [↑](#footnote-ref-17)
16. *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), *cert. denied*, 93 S.Ct. 461 (1972) (*WAIT Radio)*) (*Northeast Cellular*). [↑](#footnote-ref-18)
17. 47 CFR §§ 54.320(d)(1) & (2), 54.806(c)(1). [↑](#footnote-ref-19)
18. 47 CFR §§ 54.310(c), 54.802(c)(1). [↑](#footnote-ref-20)
19. 47 CFR §§ 54.320(d)(1), 54.806(c). [↑](#footnote-ref-21)
20. 47 CFR §§ 54.320(d)(2), 54.806(c)(1). [↑](#footnote-ref-22)
21. 47 CFR § 54.320(d)(2), 54.806(c). For the final 100% service milestone, if a CAF Phase II auction support recipient fails to serve at least 95% of its required number of locations, the Commission requires that we recover “an amount of support that is equal to 1.89 times the average amount of support per location received in the state over the six-year period for the relevant number of locations the ETC has failed to offer service to, plus 10 percent of the ETC’s total Phase II support received in the state over the six-year period for deployment.” 47 CFR § 54.320(d)(2); *CAF Phase II Auction Order*, 31 FCC Rcd at 6017, para. 191. If a CAF Phase II auction support recipient serves at least 95% of its total number of required locations but less than 100%, it will be required to return support for the unserved locations that is equal to the average support per location in the state time 1.89. 47 CFR § 54.310(c)(2). For the RDOF support recipient’s sixth year 100% service milestone, the amount of support recovery scales with the size of the non-compliance gap. 47 CFR § 54.806(c)(1)(i)(A)-(C). If the support recipient has deployed to 95% or more of its required locations but less than 100%, we must recover an amount of support that is equal to 1.25 times the average amount of support per location received in the state over the support term for the unserved locations. If the support recipient has deployed to 90% or more of its required locations but less than 95%, we must recover an amount of support that is equal to 1.5 times the average amount of support per location received in the state over the support term for the unserved locations, plus 5% of total authorized support. If the carrier has deployed to fewer than 90% of its required locations, we must recover an amount of support that is equal to 1.75 times the average amount of support per location received in the state over the support term for the unserved locations, plus 10% of total authorized support. *Id.* [↑](#footnote-ref-23)
22. 47 CFR § 54.320(d)(1)(iv)(B) (requiring the Bureau to recover a percentage of support that is equal to the support recipient’s compliance gap plus 10% of the ETC's support that has been disbursed to that date). [↑](#footnote-ref-24)
23. Future monthly support payments will be reduced pro rata based on the number of locations associated with the CBGs that the support recipient is defaulting on and calculated as follows, subject to any applicable non-compliance tiers: ((total monthly authorized support/total authorized locations) x (total authorized locations – defaulted locations)). Subject to support withholding pursuant to any applicable non-compliance tiers, BARConnect’s monthly support for the CAF Phase II auction will be approximately $16,781 and its monthly support for RDOF will be approximately $29,562, and NAEC’s monthly support will be approximately $56,489. [↑](#footnote-ref-25)
24. *2014 Connect America Order*, 29 FCC Rcd at 15697, para. 148 n.328 (“Our overriding objective is to create a framework that incents full performance.”). [↑](#footnote-ref-26)
25. 47 U.S.C. § 254(e) (requiring that a carrier receiving universal service support “shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended”). [↑](#footnote-ref-27)
26. 47 CFR §§ 54.320(d), 54.806(c)(1). [↑](#footnote-ref-28)
27. 47 CFR §§ 54.320(d)(1), 54.806(c). [↑](#footnote-ref-29)
28. *Id.* As a simplified example, if a carrier receiving $100 per month in support is required to serve 100 locations and has indicated it will not serve eligible census blocks within CBGs covering 20 of those locations, we will reduce the carrier’s ongoing monthly support by a pro rata amount to stop future payments for the defaulted census blocks so that the carrier is now receiving $80 per month (i.e., the Commission will no longer pay the $20 per month associated with the identified census blocks) (($100/100) x (100-20) = $80 a month). If the carrier is in non-compliance Tier 3 so that we are required to withhold 25% of support (i.e., $25; .25 x $100), we would withhold an extra $5 a month so that we are not paying the carrier $25 in total each month (i.e., $20 for the defaulted census blocks + $5 additional). If the carrier comes back into compliance so that it is entitled to have its support restored, we would only restore the additional monthly amount of support that we withheld (i.e., $5 a month) and would not restore the $20 we have stopped paying for the identified census blocks. 47 CFR § 54.320(d)(1)(iii). [↑](#footnote-ref-30)
29. Assuming the same simplified example as in the prior footnote, if the carrier is in non-compliance Tier 2 so that we are required to withhold 15% a month (i.e., $15, .15 x $100), we would not withhold any additional monthly support since we have already stopped paying the carrier $20 a month for defaulted census blocks, and $20 exceeds the $15 we are required to withhold. 47 CFR § 54.320(d)(1)(ii). [↑](#footnote-ref-31)
30. 47 CFR §§ 54.320(d)(2), 54.806(c)(1). [↑](#footnote-ref-32)
31. *Id.* [↑](#footnote-ref-33)