



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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## DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE ASSIGNMENT OF CERTAIN ASSETS OF NOVA CABLEVISION, INC. TO CABLE ONE, INC. AND CABLE VOIP LLC

**WC Docket No. 23-353**

**WC Docket No. 10-90**

By this Public Notice, the Wireline Competition Bureau (Bureau) grants the application filed by Nova Cablevision, Inc. (Nova) (Assignor), Cable One, Inc. (Cable One) and Cable One VoIP LLC (VoIP LLC, together with Cable One, Assignees) (Assignor and Assignees collectively, the Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,<sup>1</sup> requesting consent to assign certain Nova assets to Assignees.<sup>2</sup> We also address the conditional authorization of Rural Digital Opportunity Fund (RDOF) support associated with this transaction.

On December 1, 2023, the Bureau released a public notice seeking comment on the Application.<sup>3</sup> The Bureau did not receive comments or petitions in opposition to the Application.

### **Applicants and Description of Transaction**

Nova, an Illinois corporation, is registered with the Commission as an interconnected VoIP service provider and provides video/cable, broadband Internet access, and interconnected VoIP services in the state of Illinois.<sup>4</sup> Nova is a designated eligible telecommunications carrier (ETC) in Illinois and

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<sup>1</sup> See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

<sup>2</sup> Application for Consent to Assign Certain Assets of Nova Cablevision, Inc., to Cable One, Inc., and Cable VoIP LLC, Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 23-353 (filed Oct. 18, 2023) (Application). Applicants filed supplements to the Application on November 16, 2023 and April 22, 2024. Supplement to the Application for Consent to Assign Certain Assets of Nova Cablevision, Inc., to Cable One, Inc., and Cable VoIP LLC, Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 23-353 (filed Nov. 16, 2023) (Nov. Supplement); Supplement to the Application for Consent to Assign Certain Assets of Nova Cablevision, Inc., to Cable One, Inc., and Cable VoIP LLC, Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 23-353 (filed Apr. 22, 2024) (Apr. Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> *Domestic Section 214 Application Filed for the Assignment of Certain Assets of Nova Cablevision, Inc., to Cable One, Inc., and Cable VoIP LLC*, WC Docket No. 23-353, Public Notice, DA 23-1128 (WCB 2023) (Public Notice).

<sup>4</sup> Application at 3.

receives high-cost universal service support through the RDOF support mechanism in the state of Illinois.<sup>5</sup> Nova does not have any subsidiaries or affiliates<sup>6</sup> and is currently owned by Robert Fischer and John Beck, both U.S. citizens.<sup>7</sup>

Cable One, a publicly traded Delaware corporation, is a cable operator that is registered with the Commission as an interconnected VoIP service provider.<sup>8</sup> Cable One and its subsidiaries<sup>9</sup> provide cable/video, broadband Internet access, telecommunications, and/or interconnected Voice over Internet Protocol (VoIP) services in 23 states.<sup>10</sup> Fidelity Cablevision, a designated ETC, receives RDOF support in Missouri.<sup>11</sup> ComSouth, a designated ETC, receives Alternative Connect America Cost Model (A-CAM) support in Georgia.<sup>12</sup> As of January 1, 2024, Fidelity Telephone, a designated ETC, receives Enhanced A-CAM support in Missouri,<sup>13</sup> and Bluffton and Hargray Telephone, both designated ETCs, receive Enhanced A-CAM support in South Carolina.<sup>14</sup>

VoIP LLC, a wholly-owned subsidiary of Cable One and a Delaware limited liability corporation, is registered with the Commission as an interconnected VoIP service provider<sup>15</sup> and currently provides interconnected VoIP services in Arizona and Kansas.<sup>16</sup> VoIP LLC is designated as an ETC in Idaho and Louisiana and has been authorized by the Commission to receive RDOF support in those states.<sup>17</sup> In connection with this proposed transaction, VoIP LLC has filed an application for ETC designation in Illinois.<sup>18</sup>

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<sup>5</sup> *Id.*; see also *Rural Digital Opportunity Fund Support Authorized for 5,657 Winning Bids*, WC Docket No. 19-126 et al., Public Notice, 37 FCC Rcd 3570, Attach. A at 279 (WCB/OEA 2022) (authorizing Nova to receive \$785,400.00 in RDOF support to serve 24 eligible census blocks. Nova also participates in the Lifeline program in Illinois. Application at 3.

<sup>6</sup> Nov. Supplement at 3.

<sup>7</sup> Application at 9.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> In addition to VoIP LLC, the other wholly-owned subsidiaries of Cable One are: Fidelity Telephone, LLC (Fidelity Telephone ) (incumbent local exchange carrier (LEC)); Fidelity Cablevision, LLC (Fidelity Cablevision) (competitive LEC); CoBridge Communications LLC; CoBridge Broadband, LLC; Hargray Telephone Company, LLC (Hargray Telephone) (incumbent LEC); Bluffton Telephone Company, LLC (Bluffton) (incumbent LEC); Hargray, LLC; Hargray of Alabama, LLC; ComSouth Telecommunications, LLC (ComSouth) (incumbent LEC); and ComSouth Telenet, LLC. Application at 2; Nov. Supplement at 1-2. All affiliates of Cable One that receive high-cost universal service support receive model-based support. Nov. Supplement at 1-2.

<sup>10</sup> Application at 2. These states are: Alabama, Arizona, Arkansas, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, and Washington. *Id.*

<sup>11</sup> Nov. Supplement at 1. Fidelity Cablevision also participates in the Lifeline program in Missouri and Oklahoma. *Id.*

<sup>12</sup> *Id.* at 2.

<sup>13</sup> *Id.* Fidelity Telephone and ComSouth also participate in the Lifeline program in the states in which they receive high-cost universal service support. *Id.*

<sup>14</sup> *Id.* Bluffton and Hargray Telephone also participate in the Lifeline program in the South Carolina.

<sup>15</sup> Application at 2.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* VoIP LLC also participates in the Lifeline program in Idaho and Louisiana. *Id.*

Cable One has a 10% or greater direct or indirect interest in three companies: Clearwave Fiber (Clearwave), a Delaware limited liability company that acts as a holding company (58%); AMG Technology Investment Group, LLC d/b/a Nextlink Internet (Nextlink), a Texas limited liability company and competitive LEC that offers voice and/or Internet access services in Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, Texas, Wisconsin, and Wyoming (17%); and Mega Broadband Investment Holdings, LLC (MBI), a Delaware limited liability company that provides cable/video, broadband Internet access, telecommunications, and/or interconnected VoIP services in 16 states<sup>19</sup> through its subsidiaries operating under the Vyve Broadband name (45%).<sup>20</sup> Clearwave wholly owns Delta Communications, LLC d/b/a/ Clearwave Communications (Delta), an Illinois limited liability company and competitive LEC that offers voice and/or Internet services in Illinois, Kansas, and Missouri.<sup>21</sup> Delta, a designated ETC in Illinois, receives Rural Broadband Experiment support.<sup>22</sup> Delta also wholly owns Hargray of Georgia LLC, a South Carolina limited liability company and competitive LEC that offers cable/video, voice, and/or broadband Internet access services in Georgia, and Hargray of Florida LLC, a Georgia limited liability company and competitive LEC that offers cable/video, voice, and/or broadband Internet access services in Florida.<sup>23</sup> Nextlink, a designated ETC, receives Connect America Fund Phase II Auction support in Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas.<sup>24</sup> Nextlink also receives RDOF support in Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, Texas, Wisconsin, and Wyoming.<sup>25</sup> There are no persons or entities with a 10% or greater direct or indirect ownership in Cable One.<sup>26</sup> Other than what is set forth in the Application, neither Cable One nor any of its affiliates or subsidiaries owns or controls 10% or greater direct or indirect interest in any other domestic telecommunications provider.<sup>27</sup>

Pursuant to the terms of the asset purchase agreement, Cable One will purchase substantially all of Nova's assets and customers, including customer accounts and receivables, and customer agreements and contracts, vendor agreements and contracts, equipment, and intellectual property.<sup>28</sup> Applicants state that Cable One will acquire and assume all of Nova's benefits and obligations under the Commission's RDOF program, including any RDOF support currently held by Nova and all assets and facilities that have been acquired, maintained, or upgraded by Nova using RDOF support.<sup>29</sup> Applicants also state that VoIP LLC will "assume sole responsibility for complying with the universal service fund

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<sup>18</sup> *Id.* at 2-3.

<sup>19</sup> *Id.* at 11. The states in which MBI operates are: Alabama; Arkansas; California; Colorado; Georgia; Idaho; Kansas; Louisiana; Nebraska; North Carolina; Oklahoma; South Carolina; Tennessee; Texas; Washington; and Wyoming. *Id.*

<sup>20</sup> *Id.* at 10-11.

<sup>21</sup> *Id.* at 10.

<sup>22</sup> Nov. Supplement at 2. Delta also participates in the Lifeline program in Illinois. *Id.*

<sup>23</sup> Application at 10.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 11.

<sup>28</sup> Application at 3.

<sup>29</sup> Application at 3. Applicants explain that upon consummation of the proposed transaction, Nova will relinquish its ETC designation and will no longer receive any RDOF support. *Id.* at 4.

requirements and Commission rules applicable to the receipt of the RDOF support, regardless of any pre-existing or reasonably foreseeable conditions that could impact VoIP LLC's ability to meet its obligations in the future, including technical, marketplace, and on-the-ground conditions."<sup>30</sup> Moreover, Applicants assert that post transaction, all of the obligations associated with the RDOF support originally awarded to Nova will be fulfilled by VoIP LLC, an authorized recipient of RDOF support in Idaho and Louisiana.<sup>31</sup> Applicants explain that consummation of the transaction is contingent upon, among other things, receipt of all necessary regulatory approvals.<sup>32</sup> Finally, Applicants note that VoIP LLC currently holds irrevocable standby letters of credit (LOC) and bankruptcy opinion letters for the RDOF support it receives in the states of Idaho and Louisiana.<sup>33</sup> Applicants assert that VoIP LLC acknowledges and understands that it must submit and have approved by the Universal Service Administrative Company (USAC) an LOC and bankruptcy opinion letter for the assumption of Nova's RDOF support in the state of Illinois consistent with the Commission's RDOF requirement for such letters.<sup>34</sup>

## **Discussion**

We find, upon consideration of the record, that a grant of the Application will serve the public interest, convenience, and necessity. To make this determination under Commission precedent, we consider whether the proposed transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.<sup>35</sup> We then employ a balancing test weighing any potential public interest harms of the proposed transaction against any potential public interest benefits.<sup>36</sup> The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest.<sup>37</sup>

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<sup>30</sup> Apr. Supplement at 1.

<sup>31</sup> Application at 4; *see also Rural Digital Opportunity Fund Support Authorized for 513 Winning Bids; Bid Defaults Announced*, WC Docket No. 19-126 et al., Public Notice, 37 FCC Rcd 7271, Attach. at 6-7 (WCB/OEA 2022) (authorizing VoIP LLC to receive \$3,225,684 in RDOF support to serve 270 census blocks in Idaho and \$3,615 in RDOF support to serve 4 eligible census blocks in Louisiana).

<sup>32</sup> Application at 4.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *See, e.g., Application of Verizon Communications Inc. and América Móvil S.A.B. de C.V for Consent to Transfer Control of International Section 214 Authorization*, GN Docket No. 21-112, IBFS File No. ITC-T/C-20200930-00173, Memorandum Opinion and Order, 36 FCC Rcd 16994, 17001, para. 21 (2021) (*Verizon-TracFone Order*) (citing *China Mobile International (USA) Inc., Application for Global Facilities-Based and Global Resale International Telecommunications Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended*, ITC-214-20110901-00289, Memorandum Opinion and Order, 34 FCC Rcd 3361, 3366, para. 9 (2019); *Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelpia Communications Corporation (and Subsidiaries, Debtors-in-Possession), Assignors, to Time Warner Cable Inc. (Subsidiaries), Assignees; Adelpia Communications Corporation, (and Subsidiaries, Debtors-in-Possession), Assignors and Transferors et al.*, MB Docket No. 05-192, Memorandum Opinion and Order, 21 FCC Rcd 8203, 8219-21, paras. 27-28 (2006) (*Adelpia-TWC Order*)).

<sup>36</sup> *See Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-90, Memorandum Opinion and Order, 30 FCC Rcd 9131, 9140, para. 18 (2015) (*AT&T-DIRECTV Order*)) (further citations omitted).

<sup>37</sup> *See Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 18; *Adelpia-TWC Order*, 21 FCC Rcd at 8217, para. 23; *Application of EchoStar Communications*

We find that there are no potential public interest harms identified in the record. First, the proposed transaction will not result in a reduction of competition. Applicants state that there will be no physical overlap in service areas or fiber facilities or reduction in service providers in any markets as a result of the transaction.<sup>38</sup> Second, we expect no potential harm to existing customers to result from the transaction. Applicants attest that the “transaction will be conducted in a manner that will be transparent to Nova’s existing customers” and upon consummation of the transaction, “Assignees will provide the acquired Nova customers with the same service quality and they will continue to receive the same services without any immediate changes to those service offerings, rates, terms, or conditions.”<sup>39</sup>

Assignees commit to meeting all public interest and performance obligations associated with the receipt of Nova’s RDOF support,<sup>40</sup> and the record indicates that VoIP LLC has the technical, financial, and managerial expertise to do so after the consummation of the transaction.<sup>41</sup> VoIP LLC will be financially, managerially, and technically obligated to meet all public interest and performance obligations associated with the receipt of RDOF support, and we expect that the proposed transaction will not negatively impact the ability of VoIP LLC to meet these obligations.<sup>42</sup> Assignees state they will “utilize the same management and resources to provide RDOF-supported services in Illinois as the Commission previously approved for the provision of RDOF-supported services in Idaho and Louisiana” and “expect to retain the majority of Nova’s current management and employees” post consummation of the transaction.<sup>43</sup> In addition, Assignees affirm they “intend to continue the buildout efforts initiated by Nova in its RDOF-supported territory using the same technology and buildout plans previously approved by the Commission.”<sup>44</sup> Assignees also affirm they will not assume any new debt in connection with the transaction, and the transaction will not affect VoIP LLC’s financial or operational ability to provide RDOF-supported services in Illinois or its existing RDOF-supported services in Idaho and Louisiana.<sup>45</sup> Overall, we conclude that the record in this proceeding does not support a finding of a public interest harm.

We next consider whether the proposed transaction is likely to generate verifiable, transaction-specific public interest benefits.<sup>46</sup> Applicants must provide evidence of a claimed benefit to allow the Commission to verify its likelihood and magnitude.<sup>47</sup> Where potential harms appear unlikely, as is the

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*Corp., General Motors Corp., and Hughes Electronics Corp., Transferors, and EchoStar Communications Corp., Transferee*, CS Docket No. 01-348, Hearing Designation Order, 17 FCC Rcd 20559, 20574, para. 25 (2002)) (further citations omitted).

<sup>38</sup> Application at 8.

<sup>39</sup> *Id.* at 8.

<sup>40</sup> *Id.* at 3, 5, 7-8.

<sup>41</sup> *Id.* at 5, 7-8.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 5.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 5, 7-8.

<sup>46</sup> See *AT&T/DIRECTV Order*, 30 FCC Rcd at 9237, paras. 273-74.

<sup>47</sup> See *id.* at 9237-38, paras. 275-76.

case with the Application before us here, the Commission accepts a lesser degree of magnitude and likelihood than when harms are present.<sup>48</sup>

Applicants state that the proposed transaction is consistent with the public interest.<sup>49</sup> Applicants aver that approval of the transaction “will advance economic efficiency by enabling Assignees to achieve economies of scale and expand their offerings and services to a broader customer base.”<sup>50</sup> Applicants assert that the transaction will “enable Assignees to strengthen their competitive position to the benefit of consumers and the communications marketplace.”<sup>51</sup> Applicants further assert that the existing customers of Nova will benefit from the transaction as they would have access to the expanded service offerings available from Assignee.<sup>52</sup> Moreover, we agree that “VoIP LLC’s assumption of Nova’s RDOF obligations will support the Commission’s goals of ensuring all areas of the United States have access to robust broadband services.”<sup>53</sup>

The Commission has specified that ensuring consumers receive new or additional services is an important public interest factor,<sup>54</sup> and accelerating private sector deployment of advanced services is one of the aims of the Act.<sup>55</sup> In light of the Assignees’ commitments to meet all of Nova’s federal high-cost support obligations<sup>56</sup> and that Nova’s existing customers will “have access to the expanded service offerings available from Assignees” as a result of the transaction,<sup>57</sup> we find it likely that the proposed transaction would result in some public interest benefits. Absent any potential harms, and considering that the proposed transaction is likely to yield some benefits, we find, on balance, that the proposed transaction serves the public interest.

#### **Conditional Authorization of RDOF Support**

As explained herein, we find that VoIP LLC<sup>58</sup> has sufficiently demonstrated its managerial, financial, and technological capabilities to meet its RDOF obligations to serve 24 eligible census blocks in Illinois (Assigned Blocks),<sup>59</sup> and accordingly, we conditionally authorize VoIP LLC to receive the transferred support conditioned upon consummation of the approved transaction within two months of the release of this order and upon satisfaction of the following prerequisites within three months from

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<sup>48</sup> *See id.*

<sup>49</sup> Application at 7.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *See, e.g., AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 19.

<sup>55</sup> *See Verizon-TracFone Order*, 36 FCC Rcd at 17002, para. 22 (citing 47 U.S.C. §§ 254, 332(c)(7), 1302; Telecommunications Act of 1996, Pub. L. No. 104-104, Preamble, 110 Stat. 56 (1996) (one purpose of the Act is to “accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services”)).

<sup>56</sup> Application at 5, 7, 13.

<sup>57</sup> *Id.* at 7.

<sup>58</sup> *Id.* at 4 (stating that after consummation of the transaction, “all of the obligations associated with the RDOF support originally awarded to Nova will be fulfilled by VoIP LLC”).

<sup>59</sup> A specific list of the census block identifiers for each of these 24 census blocks is available at Results, Auction 904 Long-Form Applicants (updated Jan. 13, 2023), <https://www.fcc.gov/auction/904>.

the date of consummation: 1) designation as an ETC in the Assigned Blocks for the purpose of becoming eligible to receive the transferred support; 2) submission and approval of an irrevocable LOC securing the requisite amount of support for the Assigned Blocks; and 3) submission and approval of a new supporting Bankruptcy Opinion Letter.<sup>60</sup> Applicants must file notice of the consummation of the transaction within 10 calendar days of the consummation in ECFS under WC Docket No. 23-353 and WC Docket No. 10-90. Applicants should also email a copy of this notice directly to Megan Danner at [megan.danner@fcc.gov](mailto:megan.danner@fcc.gov) and to Nissa Laughner at [nissa.laughner@fcc.gov](mailto:nissa.laughner@fcc.gov). VoIP LLC should submit the proof of ETC designation, the LOC, and the supporting Bankruptcy Opinion Letter to USAC for review and approval.

If all of these prerequisites are satisfied, the authorization of VoIP LLC to receive the transferred RDOF support will become effective. At that time, USAC will transfer all future support payments (and any withheld payments, as applicable) to VoIP LLC as of the next month following the authorization or as soon as reasonably practical thereafter. The Bureau will announce the date that this authorization became effective in a monthly release. Pending the effective date of VoIP LLC's authorization, Nova must maintain the irrevocable LOC securing the transferred support, and it will continue to receive the monthly disbursements associated with the Assigned Blocks and retain sole responsibility for complying with universal service fund requirements and Commission rules associated with the Assigned Blocks. Unless otherwise specified in this Public Notice, all support and assets associated with the Assigned Blocks must be transferred from Nova to VoIP LLC, including payments received by Nova pending VoIP LLC's authorization.

We remind VoIP LLC that once it satisfies all conditions of ETC authorization, it assumes sole responsibility for complying with universal service fund requirements and Commission rules, regardless of any preexisting or reasonably foreseeable conditions that could impact its ability to meet its obligations in the future, including technical, marketplace, and on-the-ground conditions. Indeed, any carrier seeking authorization to receive high-cost support pursuant to a section 214 transfer of control must conduct the proper due diligence prior to consummation of the transaction and, in doing so, must assume all risks and consequences of noncompliance with RDOF requirements, including default recovery of support and potential forfeiture penalties.<sup>61</sup> In addition, VoIP LLC must meet all administrative, performance, and deployment obligations and deadlines associated with the receipt of RDOF support as well as related ETC obligations,<sup>62</sup> including the requirement to deploy voice and

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<sup>60</sup> If the Applicants do not consummate the transaction and/or VoIP LLC fails to meet all prerequisites for this conditional RDOF authorization within the timeframes specified above, VoIP LLC will no longer qualify for a conditional RDOF authorization. If Applicants fail to consummate the transaction within the two-month timeframe specified above for conditional authorization, they must file notice of the failure within 10 calendar days of the end of such time frame in the Commission's Electronic Comment Filing System (ECFS) under WC Docket No. 23-353 and WC Docket No. 10-90. If subsequent to the timeframes specified above, the Bureau finds that VoIP LLC has met all conditions for authorization, it will issue a separate final authorization.

<sup>61</sup> See *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 713-16, paras. 58-64 (2020) (*RDOF Report and Order*) (adopting non-compliance measures); *id.* at 715-16, para. 63 (stating that in addition to default consequences, RDOF support recipients are subject to sanctions "including but not limited to the Commission's existing enforcement procedures and penalties, reductions in support amounts, potential revocation of ETC designations, and suspension or debarment"); see also 47 CFR §§ 54.320(c)-(d), 54.804(c)(4), 54.806(c).

<sup>62</sup> 47 CFR §§ 54.802-806; see also generally *RDOF Report and Order*, 35 FCC Rcd 686. The Bureau has provided a summary of the various obligations of authorized RDOF support recipients in prior authorization public notices, including in the public notice authorizing the support recipient to receive the relevant RDOF support. As stated in these public notices, the list is not intended to be comprehensive, and all authorized parties are responsible for conducting the due diligence required to comply with universal service fund requirements and

broadband service meeting minimum standards to the requisite number of locations by specific service milestones and the obligation to ultimately serve all locations identified by the Commission within eligible areas, subject to limited adjustment.<sup>63</sup> Consistent with the requirements of RDOF, VoIP LLC must provide voice service throughout the Assigned Blocks, either through its own facilities or a combination of its own and other ETCs' facilities, on the first day of the month following the authorization.<sup>64</sup>

### **Grant of the Application**

We find, upon consideration of the record, that the proposed transfer will serve the public interest, convenience, and necessity.<sup>65</sup> This Application is granted in conjunction with the conditional authorization of VoIP LLC to receive RDOF support as set out in this Public Notice.

Pursuant to section 214(a) of the Act, 47 U.S.C. § 214(a), and sections 0.91, 0.291, 63.03, and 63.04 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 63.03, and 63.04, we grant the Application. Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein is effective upon the release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information regarding the grant of the Application, please contact Megan Danner at [megan.danner@fcc.gov](mailto:megan.danner@fcc.gov). For further information regarding the conditional RDOF support authorization, please contact Nissa Laughner at [nissa.laughner@fcc.gov](mailto:nissa.laughner@fcc.gov).

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the Commission's rules. *See RDOF Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 4897, 4897 (WCB/OEA/RBATF 2022). We note that in addition to the requirements and rules specified in the public notices, RDOF support recipients must test and certify compliance with the relevant performance requirements in accordance with the uniform framework that has been adopted for measuring and reporting on high-cost performance requirements. *See RDOF 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, 6083, para.15 (2020); *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509, 6530-33, paras. 56-67 (WCB 2018); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10110, para. 4 (2019) (expanding performance measure testing requirements); *Connect America Fund*, WC Docket No. 10-90, Order, 35 FCC Rcd 14658 (2020) (clarifying certain performance measure requirements); *Connect America Fund et al.*, WC Docket No. 10-90 et al., WT Docket No. 10-208, Notice of Proposed Rulemaking and Report and Order, FCC 23-87 at 62-63, paras. 136-140 (Oct. 20, 2023) (modifying certain performance measure requirements).

<sup>63</sup> Specifically, RDOF support recipients must deploy service to an increasing percentage of the CAM-estimated number of locations as of December 31st of each year, beginning with a 40% milestone as of the third year of receiving support (2025), 60% as of the fourth year (2026), 80% as of the fifth year (2027), and 100% as of the sixth year (2028). 47 CFR § 54.802(c); *RDOF Report and Order*, 35 FCC Rcd at 709-12, paras. 45-55. The Commission will then adjust the initial defined deployment obligation assigned to each RDOF support recipient based on its determination of the number of locations within the supported area. In addition, the support recipient must serve, upon reasonable request, newly qualifying locations until the end of the eighth year of support (2030). *See RDOF Report Order*, 35 FCC Rcd at 710-11, paras. 49-50; 47 CFR § 54.802(c).

<sup>64</sup> *See RDOF Report and Order*, 35 FCC Rcd at 745, para. 139.

<sup>65</sup> *See* 47 U.S.C. § 214(a); 47 CFR § 63.03.