

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

In the Matter of
73 Applicants for Rural Digital Opportunity Fund
in Default
File No. [Provided in Appendix A]
FRN No. [Provided in Appendix A]
NAL/Acct. No. [Provided in Appendix A]

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: July 21, 2022

Released: July 22, 2022

By the Commission: Commissioner Starks issuing a statement.

I. INTRODUCTION

1. In this Notice of Apparent Liability (NAL), the Federal Communications Commission (FCC or Commission) identifies 73 Rural Digital Opportunity Fund (RDOF) Phase I Auction (Auction 904) applicants that defaulted on their bids for support between July 26, 2021, and March 10, 2022, in apparent violation of the Commission’s rules.1 As detailed below, each of these applicants defaulted on its respective bids for support by withdrawing its application with respect to certain areas, or by its failure to meet deadlines and requirements to which it agreed when it participated in Auction 904. This NAL relates only to those areas, deadlines, and requirements for which the Commission did not determine, in a prior release was appropriate. By defaulting on their bids, these applicants hindered the disbursement of funds that could have otherwise been expended for the advancement of broadband access across primarily rural areas in the United States. The objective of Auction 904 was to facilitate the provision of broadband service to Americans in wholly unserved areas.2 The Commission took steps to protect the integrity, mission, and functionality of Auction 904 by advising auction participants to adhere strictly to all auction requirements and by providing for forfeitures for violations of those procedures.3 In light of the

1 This Notice of Apparent Liability is limited to Auction 904 defaults as determined by the Commission up to and including March 10, 2022. See Rural Digital Opportunity Fund Bid Defaults Announced, AU Docket No. 20-34, et al., Public Notice, 36 FCC Rcd 11651, 11656, Attach. A: Bids in Default (WCB/OEA 2021) (July 2021 Default Public Notice); Fifth Rural Digital Opportunity Fund Public Notice Announcing Support for Winning Bids Ready to be Authorized; Bid Defaults Announced, AU Docket No. 20-34, et al., Public Notice, DA 21-1582, Attach. B: Bids in Default (WCB/OEA Dec. 16, 2021) (December 2021 Default Public Notice); Rural Digital Opportunity Fund Support for 5,254 Winning Bids Ready to be Authorized; Bid Defaults Announced, AU Docket No. 20-34, et al., Public Notice, DA 22-96, Attach. B: Bids in Default (WCB/OEA Jan. 28, 2022) (January 2022 Default Public Notice); Rural Digital Opportunity Fund Support for 952 Winning Bids Ready to be Authorized; Bid Defaults Announced, AU Docket No. 20-34, et al., Public Notice, DA 22-185, Attach. B: Bids in Default (WCB/OEA Mar. 10, 2022) (March 2022 Default Public Notice). Auction 904 applicants that were determined by the Commission to have been in default after March 10, 2022, will be addressed in a future enforcement action.

2 Rural Digital Opportunity Fund; Connect America Fund, WC Docket Nos. 19-126 and 10-90, Report and Order, 35 FCC Rcd 686, 688-89, paras. 5-6 (2020) (Rural Digital Opportunity Fund Order).

3 See e.g. Rural Digital Opportunity Fund Order, 35 FCC Rcd at 722, 735, paras. 80, 114.

applicants' defaults spanning 1,702 Census Block Groups (CBGs), this item assesses forfeitures as described herein for each of the 73 Auction 904 defaulters. This item also identifies the two bidding consortia jointly and severally liable for their assignees' forfeitures. The forfeitures assessed here total \$4,353,773.87.

II. BACKGROUND

2. The Commission conducted competitive bidding for Auction 904 between the dates of October 29, 2020, and November 25, 2020, to assign Universal Service Fund (USF) support to winning bidders seeking to serve eligible areas.⁴ Auction 904 made available up to \$16 billion in financial support over the span of ten years to winning bidders that deploy high-speed broadband and voice services to eligible areas.⁵ The Commission opted to leverage a multi-round, reverse auction to assign and disseminate the funds,⁶ and established clear filing deadlines for companies applying for support.⁷

3. The Commission explicitly warned Auction 904 applicants that failure to conform to the auction's deadlines and procedures would produce consequences, including but not limited to forfeiture penalties for default.⁸ Companies interested in bidding in Auction 904 were required to file FCC Form 183 (Short-Form Application) no later than July 15, 2020.⁹ This Short-Form Application was the first phase of a two-phase application process in Auction 904.¹⁰ Bidders were required to provide information in the Short-Form Application that demonstrated their baseline legal, financial, and technical capabilities in order to establish eligibility to participate in a Commission auction for USF support.¹¹ The second application phase requires bidders or their assignees to file FCC Form 683 (Long-Form Application), which the Commission reviews to "determine if the application should be authorized to receive support for winning bids."¹² The Long-Form Application was due no later than January 29, 2021.¹³

4. The minimum geographic areas established by the Commission for bidding in Auction 904 were CBGs that contained one or more eligible census blocks, identified in a list released by the Commission's Wireline Competition Bureau (WCB) and the Office of Economics and Analytics (OEA), in coordination with the Rural Broadband Auctions Task Force (RBATF), in October 2020.¹⁴ Auction

⁴ See *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, 6079, para. 1 (2020) (*Auction 904 Procedures Public Notice*).

⁵ See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6069, paras. 1-2.

⁶ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 688, para. 5.

⁷ See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6082, paras. 12-13.

⁸ See *e.g.* *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 114 (explaining that a winning bidder will be "considered in default and will be subject to forfeiture if it fails to timely file a Long-Form Application, fails to meet the document submission deadlines outlined above, is found ineligible or unqualified to receive support, or otherwise defaults on its bid or is disqualified for any reason prior to the authorization of support" and "subject to forfeiture" for the default.).

⁹ See *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6082, para. 12.

¹⁰ *Id.* at 6088, para. 27.

¹¹ *Id.*

¹² *Id.*

¹³ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, *et al.*, 35 FCC Rcd 13888, para. 2 (WCB/OEA 2020) (*Winning Bidders Public Notice*).

¹⁴ See *Wireline Competition Bureau and Office of Economics and Analytics Release Final List and Map of Eligible Areas for the Rural Digital Opportunity Fund Phase I Auction (Auction 904)*, AU Docket No. 20-34, *et al.*, Public

904 included nearly 787,000 eligible census blocks, located in nearly 62,000 CBGs.¹⁵ WCB and OEA identified 386 applicants that were qualified to bid for support in those CBGs on October 13, 2020, and declared that bidding would start on October 29, 2020.¹⁶

5. On December 7, 2020, the RBATF, WCB, and OEA released a Public Notice announcing the 180 winning bidders who won approximately \$9.23 billion in support over a ten-year period, geographically spanning approximately 99% of the eligible CBGs.¹⁷ Winning bidders were required to file a Long-Form Application, which the Commission reviews to “determine if the application should be authorized to receive support for winning bids.”¹⁸ The Long-Form Application was due no later than January 29, 2021.¹⁹ Winning bidders were also given until December 22, 2020, to assign any or all of their winning bids to related entities.²⁰ A winning bidder that assigned a winning bid to a related entity was required to certify and acknowledge in its application that it would inform each related entity “of its filing obligation and cause each entity to submit a timely” Long-Form Application, and that the winning bidder would be “at risk for default” if any related entity did not “submit a timely” Long-Form Application.²¹

6. On July 26, 2021, the RBATF, WCB, and OEA sent a letter to certain long-form applicants identifying census blocks where there were concerns about whether funding those areas would be the best use of our limited universal service funds.²²

7. In response to the letter some applicants informed the Commission that they wished to default on the census blocks identified by the Commission. WCB, in conjunction with RBATF and OEA, found good cause to waive the forfeiture penalties that would be otherwise associated with the default on the

Notice, 35 FCC Rcd 11283 (WCB/OEA 2020) (*Eligible Census Block List Public Notice*), maps available at <https://www.fcc.gov/auction/904>.

¹⁵ See *Eligible Census Block List Public Notice*, 35 FCC Rcd at 11283, maps available at <https://www.fcc.gov/auction/904>.

¹⁶ See *386 Applicants Qualified to Bid In the Rural Digital Opportunity Fund Phase I Auction (Auction 904); Bidding to Begin on October 29, 2020*, AU Docket No. 20-34, *et al.*, Public Notice, 35 FCC Rcd 11356, paras. 1-2 (WCB/OEA 2020) (*Qualified Bidders Public Notice*).

¹⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13888, para. 1.

¹⁸ See *id.* at 13891, para. 14; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 293. In such circumstances, the assignee has an obligation to file a Long-Form Application and, if it fails to meet that obligation, it would be in default. See *July 2021 Default Public Notice*, 36 FCC Rcd at 11651, n.1 (identifying the assignees that did not file a long-form application). In addition, as stated in both the *Auction 904 Procedures Public Notice* and *Winning Bidders Public Notice*, the winning bidder also remains “at risk for default if any of the related entities do not submit a timely [Long-Form Application].” Accordingly, in cases where assignees of winning bids did not file long-form applications, both the winning bidder (consortium or otherwise) and the assignee that failed to file will be held jointly and severally liable. Our approach here is also consistent with our practice of treating affiliated entities collectively where necessary to ensure compliance with the Communications Act and Commission policies and regulations. As we have previously held, enterprise liability may exist where members of an enterprise act for or on behalf of one another—as bidding consortiums/groups and its bid assignees apparently did—to achieve a unified goal (in this case, participating in Auction 904), and they may be considered a single enterprise for purposes of regulatory compliance (in this case, requiring payment of default penalties).

¹⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13891-92, para. 15.

²⁰ See *id.* at 13888, para. 2.

²¹ See *supra* note 18.

²² See “Letters to Long-Form Applicants about Identified Census Blocks,” <https://www.fcc.gov/auction/904/releases> (*Identified Census Block Letter*).

specific census blocks that were identified in the letter, i.e., “letter-identified census blocks.”²³ The July letter identified only urban census blocks as areas of concern.²⁴ Certain non-urban census blocks appeared similar to staff. WCB, in conjunction with RBATF and OEA, also found good cause to waive the forfeiture penalties for these specific census blocks.²⁵ For simplicity, we refer to these census blocks and the letter-identified census blocks collectively as “waiver census blocks.”

8. Appendix A, below, sets forth the relevant, unique facts pertaining to each entity identified in the caption of this item, and describes with specificity each entity’s conduct in relation to Auction 904.²⁶ This includes such facts as the dates of their Short and Long-Form Application filings, the amount of monetary support won (and for how many CBGs), and any default-related correspondence between the entity and the Commission. WCB referred the entities listed in Appendix A to the Enforcement Bureau (EB) on July 26, 2021; December 16, 2021; January 28, 2022; and March 10, 2022.²⁷ Appendix B, below, identifies those winning bidders that assigned winning bids to related entities, and are jointly and severally liable with their assignees which are identified in Appendix A. Appendix C, below, identifies the specific CBGs in default that were subject to forfeiture and the attendant assigned USF support. Appendix D, below, identifies mailing addresses for the entities.

III. DISCUSSION

9. The Commission established unambiguous requirements that each Auction 904 bidder must meet, and gave warning that failure to meet such requirements would result in consequences:

Any Auction 904 winning bidder or long-form applicant will be subject to a forfeiture in the event of a default before it is authorized to begin receiving support. A winning bidder or long-form applicant will be considered in default and will be subject to forfeiture if it fails to timely file a long-form application, fails to meet the document submission deadlines, is found ineligible or unqualified to receive Rural Digital Opportunity Fund support by the Bureau on delegated authority, and/or otherwise defaults on its winning bids or is disqualified for any reason prior to the authorization of support. Any such determination by the Bureau shall be final, and a winning bidder or long-form applicant shall have no opportunity to cure through additional submissions, negotiations, or otherwise. Agreeing to such payment in the event of a default is a condition for participating in bidding in Auction 904.²⁸

²³ *Rural Digital Opportunity Fund Support Authorized for 2,008 Winning Bids*, AU Docket No. 20-34, *et al.*, Public Notice, DA 21-1560, at 9 (WCB/OEA Dec. 14, 2021) (*Fourth Auction 904 Authorization Public Notice*). WCB, in conjunction with the RBATF and OEA, waived the Commission’s rules to the extent they define a default with respect to any area covered by a winning bid as a default on that entire winning bid, effectively permitting applicants to default only on the letter-identified census blocks within a CBG and become authorized in the remaining eligible census blocks within that CBG. *Id.* at 6-7.

²⁴ *Identified Census Block Letter* at 1, n.4.

²⁵ *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, *et al.*, Public Notice, DA 22-402, at 6, n.38 (WCB/OEA Apr. 15, 2022) (*Eighth Auction 904 Authorization Public Notice*).

²⁶ In the *Ninth Auction 904 Ready to Authorize Public Notice*, WCB, in conjunction with the RBATF and OEA, dismissed petitions filed by applicants seeking waiver of the default forfeiture and other non-compliance measures filed. WCB, in conjunction with RBATF and OEA, also denied petitions from applicants requesting waiver of the default penalty framework to be relieved from the obligation of all winning bidders (or their assignees) to apply for Auction 904 support. *Rural Digital Opportunity Fund Support for 2,061 Winning Bids Ready to be Authorized; Bid Defaults Announced*, AU Docket No. 20-34, *et al.*, Public Notice, DA 22-483, at 5, n.51 (WCB/OEA May 3, 2022).

²⁷ See *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default; *December 2021 Default Public Notice*, Attach. B: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

²⁸ *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 321.

Because each entity listed in the Applicant Appendix at Appendix A failed to meet at least one of these requirements, we find that these 73 entities apparently willfully violated the Commission's rules and orders governing Auction 904.

10. By withdrawing an application for support, a bidder defaults on its winning bids for Auction 904 in apparent violation of section 1.21004(a) of the Commission's rules and the requirements established specifically for Auction 904.²⁹ That a bidder submits an advance notice of default explaining logistical and/or financial hardships motivating its withdrawal does not absolve it from its default. In general, under the rules in effect at the time Auction 904 was conducted, a winning bidder of a Commission auction that, for any reason, is not subsequently authorized to receive support has defaulted on its bid and is liable for a default payment.³⁰ For Auction 904, the Commission determined that a defaulting bidder would be subject to a forfeiture payment under section 503 of the Communications Act of 1934, as amended (the Act), in lieu of a default payment.³¹ The forfeiture penalties for default were clearly stated in both the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice* before bidding ever began.³²

11. Under section 503(b)(1) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.³³ In order to impose such a forfeiture penalty, the Commission must issue a notice of apparent liability, the notice must be received by the person against whom the notice has been issued or be sent to the last known address of the person by certified mail, and the person must have an opportunity to show, in writing, within a reasonable amount of time, why no such forfeiture penalty should be imposed.³⁴ The Commission will then issue a forfeiture if it finds, by a preponderance of the evidence, that the person has willfully or repeatedly violated the Act or a Commission rule.³⁵

12. The Commission's *Forfeiture Policy Statement*³⁶ specifies that the Commission shall impose a forfeiture based upon consideration of the factors enumerated in section 503(b)(2)(E) of the Act, *i.e.*, such as "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."³⁷ Moreover, section 312(f)(1) of the Act defines willful as "the conscious and deliberate commission or omission of such act, *irrespective of any intent* to violate . . . any rule or regulation of the Commission"³⁸

²⁹ 47 CFR § 1.21004(a); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 114; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 321.

³⁰ 47 CFR § 1.21004(a), (b); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 321.

³¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 114 & n.314.

³² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, paras. 115, 117; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

³³ See 47 U.S.C. § 503(b)(1)(B); 47 CFR § 1.80(a)(2).

³⁴ See 47 U.S.C. § 503(b)(4); 47 CFR § 1.80(f).

³⁵ See, *e.g.*, *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002) (forfeiture paid).

³⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17,087, 17,100-01, para. 27 (1997), *recons. denied* 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*); 47 CFR § 1.80(b).

³⁷ 47 U.S.C. § 503(b)(2)(E); see also 47 CFR § 1.80(b)(10); *Forfeiture Policy Statement*, 12 FCC Rcd at 17, 100-101, para. 27.

³⁸ 47 U.S.C. § 312(f)(1) (emphasis added). The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act, H.R. Rep. No. 97-765, 97th Cong. 2d Sess.

13. A monetary forfeiture is warranted against each entity listed in the Appendices A and B for its apparent willful violations of section 1.21004(a) of the Commission's rules and the procedures established for Auction 904.³⁹ Each applicant agreed, prior to participating in Auction 904, to be subject to a forfeiture in the event of default, or upon its failure to satisfy the requirements of the *Auction 904 Procedures Public Notice*.⁴⁰ Additionally, each applicant was cautioned to carefully craft its plans to meet all auction requirements and to prepare for any complications that could occur.⁴¹ As to the applicants that subsequently assigned its winning bids, each applicant was cautioned that winning bidders and their assignees will be held jointly and severally liable if an assignee does not file a long-form application.⁴² In considering these factors, as well as the section 1.21004 rule establishing liability for payment in the event of default, the procedures established for Auction 904 and the *Forfeiture Policy Statement*, we believe that a forfeiture is warranted against each entity cited in Appendices A and B for its apparent willful violations of section 1.21004(a) of the Commission's rules and the procedures established for Auction 904.

14. In Auction 904, the Commission established a base forfeiture of \$3,000 per violation in the event of an auction default, meaning there would be a separate violation for each geographic unit subject to a bid.⁴³ Consistent with the approach taken in previous universal service support auctions, the Commission deemed a \$3,000 base forfeiture appropriate, explaining that \$3,000 is equivalent to the base forfeiture usually imposed for failing to file required forms or information with the Commission.⁴⁴ To prevent the base forfeiture amount from being disproportionate to the amount of a winning bidder's bid, however, the Commission limits the total base forfeiture for Auction 904 to 15% of the bidder's total assigned support for the CBGs in which it is defaulting.⁴⁵ The Commission regarded 15% of the total bid amount as not unduly punitive, while providing sufficient incentive for auction participants to diligently inform themselves of the obligations associated with participation in the auction.⁴⁶ This constituted an increase from the 5% base forfeiture cap adopted for Auction 903, in order to satisfy commenters who worried that the total forfeitures for defaults lacked a sufficient deterrent effect.⁴⁷

15. WCB's decision, in coordination with the RBATF and OEA, to waive forfeiture penalties for defaulting on the waiver census blocks has the following impact on the calculation of the total base

51 (1982), and the Commission has so interpreted the term in the section 503(b) context. *See, e.g., Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991).

³⁹ 47 CFR § 1.21004.

⁴⁰ *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 321.

⁴¹ *See, e.g., id.* at 6125-27, paras. 128-134.

⁴² *Winning Bidders Public Notice*, 35 FCC Rcd at 13891, para. 14; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 293.

⁴³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, para. 115. In other words, there is a separate violation for each CBG assigned in a bid. *Id.*; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

⁴⁴ *Connect America Fund; ETC Annual Reports and Certifications; Rural Broadband Experiments*, WC Docket No. 10-90 and 14-58, Report & Order & Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6000-01, para. 144 (2016).

⁴⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117. This would occur in situations where the dollar amount associated with the bid is low. For example, assume Bidder A bids to serve 100 CBGs for \$100,000 over the support term. We may impose a total base forfeiture of \$15,000 (15% of \$100,000) because otherwise the base forfeiture would be \$300,000 (\$3,000 x 100 CBGs), three times the entire bid amount. In contrast, if Bidder B bids to serve 50 CBGs for \$1,000,000 over the support term, we may impose a total base forfeiture of \$150,000 (\$3,000 x 50 CBGs), which is 15% of the total bid. *See id.* at 736, para. 117 & n.322.

⁴⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁷ *Id.* at 736, paras. 116-117.

forfeiture.⁴⁸ If an applicant defaulted on a CBG for which all the eligible census blocks are waiver census blocks, that CBG is not subject to the \$3,000 base forfeiture. Similarly, if an applicant defaulted on only the letter-identified census blocks within a CBG but is pursuing support in the remaining eligible census blocks covered by that CBG, the CBG is not subject to the \$3,000 base forfeiture.⁴⁹ In contrast, if an applicant defaulted on a CBG that contains both waiver census blocks and non-waiver eligible census blocks, the CBG is subject to the \$3,000 base forfeiture.⁵⁰ However, when calculating the 15% cap on the base forfeiture for such CBGs, the defaulted support subject to forfeiture is calculated by subtracting the support associated with the waiver census blocks from the total support associated with the CBG so that only the support associated with the non-waiver eligible census blocks within the CBG remains. The 15% is then applied to the defaulted support subject to forfeiture associated with all CBGs subject to forfeiture to calculate the 15% cap.

16. As seen in the Appendix A, this item assesses a cumulative forfeiture of \$4,353,773.87 apportioned amongst the 73 defaulting Auction 904 applicants. Appendix A explains in specific detail the amount applied to each defaulter, and the relevant factual background pertaining to its individual circumstances of default. In accordance with the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice*, none of the proposed forfeitures exceed 15% of any single bidder's total bid amount for CBGs subject to forfeiture.⁵¹ In addition, Appendix B explains in specific detail the amount of joint and several liability attached to those winning bidders that assigned bids to related entities that subsequently defaulted and are identified in Appendix A.

17. Finally, after considering all the circumstances presented in the instant case, we conclude that a departure from the base forfeiture is not warranted for any of the Auction 904 applicants identified in the Applicant Appendix. For Auction 904 defaults, the Commission allows adjustment of the total base forfeiture, upward or downward, based on the criteria set forth in section 503(b)(2)(E) of the Act, notwithstanding the 15% limitation on base forfeitures as discussed above.⁵² However, on balance, we find that there are no other factors present in the instant case that justify a departure from the established base forfeiture for any of the defaulters identified in the Applicant Appendix. Accordingly, we find the forfeiture amounts listed in the Applicant Appendix are appropriate here.

⁴⁸ Fourth Auction 904 Authorization Public Notice at 9; Eighth Auction 904 Authorization Public Notice at 6, n.38.

⁴⁹ See also *id.* at 6-7 (permitting applicants to partially default on a CBG by defaulting on letter-identified census blocks within the CBG and becoming authorized on the remaining eligible census blocks within the CBG).

⁵⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117 & n.322.

⁵¹ *Id.* at 736, para. 117; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, para. 322.

⁵² See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(10), Table 3 to Paragraph (b)(10); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, paras. 116-117.

IV. ORDERING CLAUSES

18. **ACCORDINGLY, IT IS ORDERED**, pursuant to section 503(b) of the Communications Act⁵³ and section 1.80 of the Commission's rules,⁵⁴ that all entities identified in the Applicant Appendix are hereby **NOTIFIED** of their **APPARENT LIABILITY FOR FORFEITURE** in the amount specified in the Appendix A for their willful violations of section 1.21004(a) of the Commission's rules,⁵⁵ and the orders specifically prescribing procedures for Auction 904 (the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice*), and **IT IS FURTHER ORDERED** that all entities identified in Appendix B are hereby **NOTIFIED** of their **APPARENT JOINT AND SEVERAL LIABILITY FOR FORFEITURE** in the amount specified in Appendix B for violating section 1.21004(a) of the Commission's rules,⁵⁶ and the orders specifically prescribing procedures for Auction 904 (the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice*).

19. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules,⁵⁷ that within thirty (30) calendar days of the release date of this Notice, each recipient of this Notice of Apparent Liability **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 23 below.

20. Each defaulter shall send electronic notification of payment to the Enforcement Bureau of the Federal Communications Commission at EnforcementBureauIHD@fcc.gov, Jeffrey Gee at Jeffrey.Gee@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Rizwan Chowdhry at Rizwan.Chowdhry@fcc.gov, Ryan McDonald at Ryan.McDonald@fcc.gov, and Pam Slipakoff at Pam.Slipakoff@fcc.gov on the date said payment is made. Payment of the forfeiture must be made by wire transfer, credit card using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>, or ACH (Automated Clearing House) debit from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁵⁸

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159⁵⁹ or printed CORES form⁶⁰ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁶¹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

⁵³ 47 U.S.C. § 503(b).

⁵⁴ 47 CFR § 1.80.

⁵⁵ 47 CFR § 1.21004(a).

⁵⁶ *Id.*

⁵⁷ 47 CFR § 1.80.

⁵⁸ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁵⁹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁶⁰ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁶¹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated with the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated with the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

21. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.⁶² Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

22. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(f)(3) of the rules.⁶³ The written statement must be mailed to Jeffrey J. Gee, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, and must include the NAL account number referenced in the caption. The statement must also be e-mailed to the Enforcement Bureau at EnforcementBureauIHD@fcc.gov, Jeffrey Gee at Jeffrey.Gee@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Rizwan Chowdhry at Rizwan.Chowdhry@fcc.gov, Ryan McDonald at Ryan.McDonald@fcc.gov, and Pam Slipakoff at Pam.Slipakoff@fcc.gov. Until further notice, the Commission will not accept any hand or messenger delivered filings.

23. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status.⁶⁴ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E)

⁶² See 47 CFR § 1.1914.

⁶³ 47 CFR §§ 1.16, 1.80(f)(3).

⁶⁴ 47 U.S.C. § 503(b)(2)(E).

support that result.⁶⁵

24. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by certified mail, return receipt requested to each entity at the address listed in Appendix D below.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁶⁵ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18–21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860–62, paras. 21–25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-904, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

APPENDIX A

The apparent violations identified in this Appendix generally arise from one of the following two fact patterns: (1) the applicant failed to submit a Long-Form Application; or (2) the applicant submitted a Long-Form Application but subsequently withdrew its application by notifying the Commission of its intent to default on one or more CBGs. To the extent that an entry below involves a different fact pattern, the relevant facts are described in the entry. Unless otherwise specially stated below, all of the fact patterns described in this Appendix represent apparent violations of section 1.21004(a) of the Commission's rules and the requirements established specifically for Auction 904 in the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice*.¹

1. AMG Technology Investment Group, LLC (AMG) d/b/a Nextlink Internet; FRN: 0021701891; File No.: EB-IHD-22-00033835; NAL/Acct No.: 202232080012. AMG provides fixed wireless and fiber internet services to residential, business and governmental entities located in rural areas.² AMG timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³ On August 16, 2021, and April 23, 2021, AMG notified the Commission of its intent to default on its CBGs, including one CBG subject to forfeiture in New Mexico.⁴ The Wireline Competition Bureau (WCB) declared AMG to be in default on July 26, 2021, and January 28, 2022, including one CBG subject to forfeiture and referred the company to the Enforcement Bureau (EB) for enforcement action.⁵ The Commission finds that AMG apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁶ AMG's CBG in default subject to forfeiture amounted to \$75,554.00, thereby capping the maximum possible forfeiture at \$11,333.10.⁷ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁸ the Commission finds that the forfeiture amount of \$3,000.00 against AMG is appropriate here.

¹ 47 CFR § 1.21004(a); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735, paras. 114-15; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6178, paras. 321-22.

² AMG Technology Investment Group, LLC d/b/a NextLink Internet, *About*, <https://www.nextlinkinternet.com> (last visited May 10, 2022).

³ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes: Winning Bidders Announced*; *FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, *et al.*, Public Notice, 35 FCC Rcd 13888, 13904-05, Attach. A: Winning Bidder Summary (WCB/OEA 2020) (*Winning Bidders Public Notice*).

⁴ E-mail from Stephen E. Coran, Counsel to AMG Technology Investment Group, LLC d/b/a Nextlink Internet, to Auction904@fcc.gov, Federal Communications Commission (Aug. 16, 2021, 15:48 EDT). Exhibit A attached to the Coran E-mail lists the census blocks that were in default.

⁵ *Rural Digital Opportunity Fund Bid Defaults Announced*, AU Docket No. 20-34, *et al.*, Public Notice, 36 FCC Rcd 11651, 11656, Attach. A: Bids in Default (WCB/OEA 2021) (*July 2021 Default Public Notice*); *Rural Digital Opportunity Fund Support for 5,254 Winning Bids Ready to be Authorized; Bid Defaults Announced*, AU Docket No. 20-34, *et al.*, Public Notice, DA 22-96, Attach. B: Bids in Default (WCB/OEA Jan. 28, 2022) (*January 2022 Default Public Notice*).

⁶ *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126 and 10-90, Report and Order, 35 FCC Rcd 686, 735-36, para. 115 (2020) (*Rural Digital Opportunity Fund Order*).

⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default (describing the total amount of AMG's won support that is in default for the identified bids); *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of AMG's won support that is in default for the identified bids).

⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

2. **Aspire Networks 2, LLC (Aspire); FRN: 0030311583; File No.: EB-IHD-22-00033836; NAL/Acct No.: 202232080013.** Aspire is a competitive local exchange carrier registered in Delaware and Minnesota that provides internet services to rural locations in Minnesota.⁹ Aspire's parent company, Atlantic Engineering Group, Inc. (AEG), a Georgia company, was part of the AEG and Heron Broadband I (Consortium).¹⁰ The Consortium timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹¹ The Consortium then assigned two CBGs to Aspire, which timely filed its Long-Form Application in Auction 904.¹² On February 16, 2021, Aspire notified the Commission of its intent to default on its two CBGs subject to forfeiture in Minnesota.¹³ WCB declared Aspire to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁴ The Commission finds that Aspire apparently committed two violations by defaulting on its CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.¹⁵ Aspire's assigned CBGs in default subject to forfeiture amounted to \$6,470,222.30, thereby capping the maximum possible forfeiture at \$970,533.34, which is 15% of Aspire's defaulted support subject to forfeiture in Auction 904.¹⁶ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁷ the Commission finds that the forfeiture amount of \$6,000.00 against Aspire is appropriate here.

3. **Bright House Networks Information Services (Florida), LLC (Bright House); FRN: 0010788453; File No.: EB-IHD-22-00033837; NAL/Acct No.: 202232080014.** Bright House is a limited liability company formed in Delaware.¹⁸ Bright House and CCO Holdings, LLC (CCO) are subsidiaries of Charter Communications, Inc. (Charter).¹⁹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁰ In turn, CCO assigned Bright

⁹ See Office of the Minnesota Sec. State, *Business Records Search: Aspire Networks 2, LLC*, <https://mblsportal.sos.state.mn.us/Business/Search> (last visited May 10, 2022). See also Delaware Department of State: Division of Corporations: *Records Search: Aspire Networks 2, LLC*, <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (last visited May 10, 2022).

¹⁰ Aspire Networks 2, *About Us*, <https://www.aeg.cc> (last visited May 10, 2022).

¹¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13912, Attach. A: Winning Bidder Summary.

¹² *417 Long-Form Applicants in the Rural Digital Opportunity Fund Phase I Auction (Auction 904)*, AU Docket No. 20-34, *et al.*, Public Notice, 36 FCC Rcd 4140 (WCB/OEA Feb. 18, 2021) (*417 Long-Form Applicants Public Notice*); Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904/>.

¹³ Letter from Phillip R. Marchesiello, Counsel to Aspire Networks 2, LLC, and the Consortium of AEG and Heron Broadband I, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 16, 2020).

¹⁴ *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default.

¹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁶ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default (describing the total amount of Aspire's won support that is in default for the identified bids).

¹⁷ *Id.* at 736, para. 117.

¹⁸ See Delaware Dept. State: Division of Corporations, *General Information Name Search: Bright House Networks Information Services (Florida), LLC*, <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (last visited June 10, 2022).

¹⁹ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

²⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

House 131 CBGs.²¹ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain winning bids, including five CBGs subject to forfeiture assigned to Bright House.²² WCB declared Bright House to be in default on January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.²³ The Commission finds that Bright House apparently committed five violations by defaulting on five CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.²⁴ Bright House's assigned CBGs in default subject to forfeiture amounted to \$72,254.10, thereby capping the maximum possible forfeiture at \$10,838.12, which is 15% of Bright House's defaulted support subject to forfeiture in Auction 904.²⁵ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,²⁶ the Commission finds the forfeiture amount of \$10,838.12 against Bright House is appropriate here.

4. **BroadLife Communications, Inc. (BroadLife); FRN: 0030273015; File No.: EB-IHD-22-00033838; NAL/Acct No.: 202232080015.** BroadLife is an Alabama communications company incorporated in Delaware.²⁷ BroadLife was a member of the RDOF USA Consortium (RDOF USA).²⁸ RDOF USA timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁹ In turn, RDOF USA assigned BroadLife twenty-four CBGs in Alabama and four CBGs in Kentucky.³⁰ On January 7, 2021, BroadLife notified the Commission of its intent to default on its four CBGs subject to forfeiture in Kentucky.³¹ WCB declared BroadLife to be in default on July 26, 2021, and referred the company to EB for enforcement action.³² The Commission finds that BroadLife apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.³³ BroadLife's assigned CBGs in default subject to forfeiture amounted to \$30,333.80, thereby capping the maximum possible forfeiture at \$4,550.07, which is 15% of

²¹ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

²² See, e.g., E-mail from Maureen A. O'Connell, Vice President, Regulatory Affairs, Charter Communications, to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (Mar. 20, 2022, 16:13 EDT) (summarizing the intended defaults for the applicants assigned winning bids by CCO) (*Charter Summary Default E-mail*).

²³ *January 2022 Default Public Notice*, Attach. B: Bids in Default); *Rural Digital Opportunity Fund Support for 952 Winning Bids Ready to be Authorized; Bid Defaults Announced*, AU Docket No. 20-34, et al., Public Notice, DA 22-185, Attach. B: Bids in Default (WCB/OEA Mar. 10, 2022) (*March 2022 Default Public Notice*).

²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁵ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Bright House's won support that is in default for the identified bids).

²⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁷ See Alabama Secretary of State, *Business Entity Records BroadLife Communications, Inc.*, <https://arc-sos.state.al.us/cgi/corpdetail.mbr/detail?corp=637739> (last visited Apr. 29, 2022).

²⁸ E-mail from Gina Keeney, Counsel to BroadLife Communications Inc., to Auction904@fcc.gov, Federal Communications Commission (Jan. 7, 2021, 11:26 EDT) (*BroadLife Default Notice*).

²⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13924, Attach. A: Winning Bidder Summary.

³⁰ *BroadLife Default Notice*.

³¹ *Id.*

³² *July 2021 Default Public Notice*, 36 FCC Rcd at 11657, Attach. A: Bids in Default.

³³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

BroadLife's defaulted support subject to forfeiture in Auction 904.³⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,³⁵ the Commission finds that the forfeiture amount of \$4,550.07 against BroadLife is appropriate here.

5. **Central Scott Telephone Company, Inc. (Central Scott); FRN: 0003722121; File No.: EB-IHD-22-00033839; NAL/Acct No.: 202232080016.** Central Scott is a telecommunications company providing local TV, internet and phone services in Eldridge, Iowa.³⁶ Central Scott's parent company, LICT Corporation (LICT), submitted its Short-Form Application to participate in Auction 904 on behalf of itself and its subsidiaries, was a successful bidder.³⁷ In turn, LICT assigned four CBGs to Central Scott.³⁸ On September 27, 2021, Central Scott notified the Commission of the company's intent to default on its CBGs subject to forfeiture.³⁹ WCB declared Central Scott to be in default on December 16, 2021, and referred the company to EB for enforcement action.⁴⁰ The Commission finds that Central Scott apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.⁴¹ Central Scott's assigned CBGs in default subject to forfeiture amounted to \$70,312.40, thereby capping the maximum possible forfeiture at \$10,546.86, which is 15% of Central Scott's defaulted support subject to forfeiture in Auction 904.⁴² Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁴³ the Commission finds that the forfeiture amount of \$10,546.86 against Central Scott is appropriate here.

6. **Charter Fiberlink – Alabama, LLC (CF Alabama); FRN: 0009563024; File No.: EB-IHD-22-00033840; NAL/Acct No.: 202232080017.** CF Alabama is a limited liability company formed in Delaware.⁴⁴ CF Alabama and CCO are subsidiaries of Charter.⁴⁵ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁶ In turn, CCO assigned CF

³⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11657, Attach. A: Bids in Default (describing the total amount of BroadLife's won support that is in default for the identified bids).

³⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁶ Central Scott Telephone, *Residential Services*, <https://centralscott.com/residential/residential-services> (last visited May 2, 2022).

³⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917, Attach. A: Winning Bidder Summary.

³⁸ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

³⁹ E-mail from Alexander Stout, Counsel to Central Scott Telephone Company, Inc., to Auction904@fcc.gov, Federal Communications Commission (Sept. 27, 2021, 19:07 EDT).

⁴⁰ *Fifth Rural Digital Opportunity Fund Public Notice Announcing Support for Winning Bids Ready to be Authorized; Bid Defaults Announced*, AU Docket No. 20-34, *et al.*, Public Notice, Attach. B: Bids in Default (WCB/OEA Dec. 16, 2021) (*December 2021 Default Public Notice*).

⁴¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴² See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Central Scott's won support that is in default for the identified bids).

⁴³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁴ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁴⁵ *Id.*

⁴⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

Alabama 246 CBGs.⁴⁷ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain winning bids, including six CBGs subject to forfeiture assigned to CF Alabama.⁴⁸ WCB declared CF Alabama to be in default on July 26, 2021, and March 10, 2022, and referred the company to EB for enforcement action.⁴⁹ The Commission finds that CF Alabama apparently committed six violations by defaulting on six CBGs subject to forfeiture, which places the company's base forfeiture at \$18,000.00.⁵⁰ CF Alabama's assigned CBGs in default subject to forfeiture amounted to \$57,262.40, thereby capping the maximum possible forfeiture at \$8,589.36, which is 15% of CF Alabama's defaulted support subject to forfeiture in Auction 904.⁵¹ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁵² the Commission finds the forfeiture amount of \$8,589.36 against CF Alabama is appropriate here.

7. **Charter Fiberlink – Georgia, LLC (CF Georgia); FRN: 0009563222; File No.: EB-IHD-22-00033841; NAL/Acct No.: 202232080018.** CF Georgia is a limited liability company formed in Delaware.⁵³ CF Georgia and CCO are subsidiaries of Charter.⁵⁴ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁵ In turn, CCO assigned CF Georgia 172 CBGs.⁵⁶ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including eight CBGs subject to forfeiture assigned to CF Georgia.⁵⁷ WCB declared CF Georgia to be in default on January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.⁵⁸ The Commission finds that CF Georgia apparently committed eight violations by defaulting on eight CBGs subject to forfeiture, which places the company's base forfeiture at \$24,000.00.⁵⁹ CF Georgia's assigned CBGs in default subject to forfeiture amounted to \$121,792.70, thereby capping the maximum possible forfeiture at \$18,268.91, which is 15% of CF

⁴⁷ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁴⁸ See, e.g., *Charter Summary Default E-mail*.

⁴⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵¹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF Alabama's won support that is in default for the identified bids).

⁵² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵³ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁵⁴ *Id.*

⁵⁵ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁶ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁷ See, e.g., *Charter Summary Default E-mail*.

⁵⁸ *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

Georgia's defaulted support subject to forfeiture in Auction 904.⁶⁰ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁶¹ the Commission finds the forfeiture amount of \$18,268.91 against CF Georgia is appropriate here.

8. **Charter Fiberlink – Michigan, LLC (CF Michigan); FRN: 0010069342; File No.: EB-IHD-22-00033842; NAL/Acct No.: 202232080019.** CF Michigan is a limited liability company formed in Delaware.⁶² CF Michigan and CCO are subsidiaries of Charter.⁶³ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁴ In turn, CCO assigned CF Michigan 181 CBGs.⁶⁵ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including 17 CBGs subject to forfeiture assigned to CF Michigan.⁶⁶ WCB declared CF Michigan to be in default on July 26, 2021, and March 10, 2022, and referred the company to EB for enforcement action.⁶⁷ The Commission finds that CF Michigan apparently committed 17 violations by defaulting on 17 CBGs subject to forfeiture, which places the company's base forfeiture at \$51,000.00.⁶⁸ CF Michigan's assigned CBGs in default subject to forfeiture amounted to \$218,019.20, thereby capping the maximum possible forfeiture at \$32,702.88, which is 15% of CF Michigan's defaulted support subject to forfeiture in Auction 904.⁶⁹ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁷⁰ the Commission finds the forfeiture amount of \$32,702.88 against CF Michigan is appropriate here.

9. **Charter Fiberlink – Missouri, LLC (CF Missouri); FRN: 0005793922; File No.: EB-IHD-22-00033843; NAL/Acct No.: 202232080020.** CF Missouri is a limited liability company formed in Delaware.⁷¹ CF Missouri and CCO are subsidiaries of Charter.⁷² CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁷³ In turn, CCO assigned CF

⁶⁰ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF Georgia's won support that is in default for the identified bids).

⁶¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶² United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁶³ *Id.*

⁶⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁶⁵ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁶⁶ See, e.g., *Charter Summary Default E-mail*.

⁶⁷ *July 2021 Default Public Notice*, 36 FCC Rcd at 11656-67, Attach. A: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁶⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶⁹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF Michigan's won support that is in default for the identified bids).

⁷⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁷¹ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁷² *Id.*

⁷³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

Missouri 276 CBGs.⁷⁴ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including two CBGs subject to forfeiture assigned to CF Missouri.⁷⁵ WCB declared CF Missouri to be in default on July 26, 2021; January 28, 2022; and March 10, 2022, and referred the company to EB for enforcement action.⁷⁶ The Commission finds that CF Missouri apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁷⁷ CF Missouri's assigned CBGs in default subject to forfeiture amounted to \$53,734.60, thereby capping the maximum possible forfeiture at \$8,060.19, which is 15% of CF Missouri's defaulted support subject to forfeiture in Auction 904.⁷⁸ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁷⁹ the Commission finds the forfeiture amount of \$6,000.00 against CF Missouri is appropriate here.

10. **Charter Fiberlink – Tennessee, LLC (CF Tennessee); FRN: 0009563396; File No.: EB-IHD-22-00033844; NAL/Acct No.: 202232080021.** CF Tennessee is a limited liability company formed in Delaware.⁸⁰ CF Tennessee and CCO are subsidiaries of Charter.⁸¹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁸² In turn, CCO assigned CF Tennessee 422 CBGs.⁸³ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including 77 CBGs subject to forfeiture assigned to CF Tennessee.⁸⁴ WCB declared CF Tennessee to be in default on July 26, 2021; January 28, 2022; and March 10, 2022; and referred the company to EB for enforcement action.⁸⁵ The Commission finds that CF Tennessee apparently committed 77 violations by defaulting on 77 CBGs subject to forfeiture, which places the company's base forfeiture at \$231,000.00.⁸⁶ CF Tennessee's assigned CBGs in default subject to forfeiture amounted to \$3,649,185.70, thereby capping the maximum possible forfeiture at

⁷⁴ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁷⁵ See, e.g., *Charter Summary Default E-mail*.

⁷⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11657, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁷⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁷⁸ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF Missouri's won support that is in default for the identified bids).

⁷⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁸⁰ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁸¹ *Id.*

⁸² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁸³ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁸⁴ See, e.g., *Charter Summary Default E-mail*.

⁸⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11657-61, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁸⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

\$547,377.86, which is 15% of CF Tennessee's defaulted support subject to forfeiture in Auction 904.⁸⁷ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁸⁸ the Commission finds the forfeiture amount of \$231,000.00 against CF Tennessee is appropriate here.

11. **Charter Fiberlink CCO, LLC (CF CCO); FRN: 0009958109; File No.: EB-IHD-22-00033845; NAL/Acct No.: 202232080022.** CF CCO is a limited liability company formed in Delaware.⁸⁹ CF CCO and CCO are subsidiaries of Charter.⁹⁰ In turn, CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁹¹ In turn, CCO assigned CF CCO 554 CBGs.⁹² In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including 23 CBGs subject to forfeiture assigned to CF CCO.⁹³ WCB declared CF CCO to be in default on July 26, 2021; January 28, 2022; and March 10, 2022; and referred the company to EB for enforcement action.⁹⁴ The Commission finds that CF CCO apparently committed 23 violations by defaulting on 23 CBGs subject to forfeiture, which places the company's base forfeiture at \$69,000.00.⁹⁵ CF CCO's assigned CBGs in default subject to forfeiture amounted to \$4,691,018.80, thereby capping the maximum possible forfeiture at \$703,652.82, which is 15% of CF CCO's defaulted support subject to forfeiture in Auction 904.⁹⁶ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁹⁷ the Commission finds the forfeiture amount of \$69,000.00 against CF CCO is appropriate here.

12. **Charter Fiberlink VA-CCO, LLC (CF VA-CCO); FRN: 0010399053; File No.: EB-IHD-22-00033846; NAL/Acct No.: 202232080023.** CF VA-CCO is a limited liability company formed in Delaware.⁹⁸ CF VA-CCO and CCO are subsidiaries of Charter.⁹⁹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁰⁰ In turn, CCO assigned CF

⁸⁷ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF Tennessee's won support that is in default for the identified bids).

⁸⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁸⁹ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁹⁰ *Id.*

⁹¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁹² *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁹³ See, e.g., *Charter Summary Default E-mail*.

⁹⁴ *July 2021 Default Public Notice* 36 FCC Rcd at 11661, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁹⁶ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of CF CCO's won support that is in default for the identified bids).

⁹⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁹⁸ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 4, 2022).

⁹⁹ *Id.*

¹⁰⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

VA-CCO 38 CBGs.¹⁰¹ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of their intent to default on certain bids, including two CBGs subject to forfeiture assigned to CF VA-CCO.¹⁰² WCB declared CF VA-CCO to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁰³ The Commission finds that CF VA-CCO apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.¹⁰⁴ CF VA-CCO's assigned CBGs in default subject to forfeiture amounted to \$115,551.00, thereby capping the maximum possible forfeiture at \$17,332.65, which is 15% of CF VA-CCO's defaulted support subject to forfeiture in Auction 904.¹⁰⁵ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,¹⁰⁶ the Commission finds the forfeiture amount of \$6,000.00 against CF VA-CCO is appropriate here.

13. **CNSP Internet, Inc. d/b/a NMSURF, Inc. (NMSURF); FRN: 0018795427; File No.: EB-IHD-22-00033847; NAL/Acct No.: 202232080024.** NMSURF is a New Mexico company located in Santa Fe, New Mexico.¹⁰⁷ NMSURF provides residential and business options for fixed wireless broadband internet, and VoIP.¹⁰⁸ NMSURF timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁰⁹ On December 15, 2020, NMSURF notified the Commission of its intent to default on all 20 of its CBGs subject to forfeiture.¹¹⁰ WCB declared NMSURF to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹¹¹ The Commission finds that NMSURF apparently committed 17 violations by defaulting on 20 CBGs, of which 17 CBGs are subject to forfeiture, which places the company's base forfeiture at \$51,000.00.¹¹² NMSURF's CBGs in default subject to forfeiture amounted to \$23,203.20, thereby capping the maximum possible forfeiture at \$3,480.48, which is 15% of NMSURF's defaulted support subject to forfeiture in Auction 904.¹¹³ Because the \$51,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity*

¹⁰¹ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁰² *See, e.g., Charter Summary Default E-mail*.

¹⁰³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11661-62, Attach. A: Bids in Default.

¹⁰⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁰⁵ *See id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11661-62, Attach. A: Bids in Default (describing the total amount of CF VA-CCO's won support that is in default for the identified bids).

¹⁰⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁰⁷ NMSURF, *About Us*, <https://www.nmsurf.com/about-us/https://www.solarus.net/contact/> (last visited Apr. 29, 2022).

¹⁰⁸ *Id.* *See also* NMSURF, *Phone*, <https://www.nmsurf.com/phone/> (last visited Apr. 29, 2022).

¹⁰⁹ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13921, Attach. A: Winning Bidder Summary.

¹¹⁰ Letter from Albert Catanah, President and Chief Executive Officer, NMSURF, Inc., and Bryan Catanach, Vice President, NMSURF, Inc., to Federal Communications Commission (Dec. 15, 2020).

¹¹¹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11669-70, Attach. A: Bids in Default.

¹¹² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹¹³ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11669-70, Attach. A: Bids in Default (describing the total amount of NMSURF's won support that is in default for the identified bids).

Fund Order,¹¹⁴ the Commission finds that the forfeiture amount of \$3,480.48 against NMSURF is appropriate here.

14. **Cogeco US (Delmar), LLC (Cogeco US, formerly, Atlantic Broadband (Delmar), LLC) d/b/a Breezeline;**¹¹⁵ **FRN: 0009596875; File No.: EB-IHD-22-00033848; NAL/Acct No.: 202232080025.** Cogeco US is a Delaware company that provides phone, television and internet services to residential, business and government customers.¹¹⁶ Cogeco US timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹¹⁷ On March 22, 2021, Cogeco US notified the Commission of its intent to default on two of its CBGs subject to forfeiture in Virginia.¹¹⁸ WCB declared Cogeco US to be in default on July 26, 2021, and referred the Company to EB for enforcement action.¹¹⁹ The Commission finds that Cogeco US apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.¹²⁰ Cogeco US's CBGs in default subject to forfeiture amounted to \$21,873.70, thereby capping the maximum possible forfeiture at \$3,281.05.¹²¹ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹²² the Commission finds that the forfeiture amount of \$3,281.05 against Cogeco US is appropriate here.

15. **Commnet Wireless, LLC (Commnet); FRN: 0007116403; File No.: EB-IHD-22-00033849; NAL/Acct No.: 202232080026.** Commnet provides broadband communications services to Tribal Communities and rural United States with its main office in Castle Rock, Colorado.¹²³ Commnet timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹²⁴ On January 26, 2021, Commnet notified the Commission of its intent to default on bids covering 16 CBGs subject to forfeiture in California, Louisiana, Mississippi, Pennsylvania, and West Virginia.¹²⁵ WCB declared Commnet to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹²⁶ The Commission finds that Commnet apparently committed 16 violations by

¹¹⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹¹⁵ On May 12, 2022, Atlantic Broadband (Delmar), LLC notified the Commission that the company had changed its name to Cogeco US (Delmar), LLC. See Letter from KC Halm, Counsel to Cogeco US (Delmar), LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (May 12, 2022).

¹¹⁶ Cogeco US (Delmar), LLC d/b/a Breezeline, *About Breezeline*, <https://www.breezeline.com> (last visited May 17, 2022). See also Delaware Department of State: Division of Corporations: *Records Search: Cogeco (US) Delmar, LLC*, <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (last visited May 10, 2022).

¹¹⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13906, Attach. A: Winning Bidder Summary.

¹¹⁸ E-mail from Paul Hudson, Davis Wright Tremaine LLP, Counsel to Cogeco US (Delmar), LLC (formerly, Atlantic Broadband (Delmar), LLC), to Auction904@fcc.gov, Federal Communications Commission (Mar. 22, 2021, 10:39 EDT).

¹¹⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default.

¹²⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹²¹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11656, Attach. A: Bids in Default (describing the total amount of Cogeco US's won support that is in default for the identified bids).

¹²² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹²³ Commnet Wireless, LLC, *Home*, <https://www.commnetbroadband.com> (last visited Apr. 26, 2022).

¹²⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13910-11, Attach. A: Winning Bidder Summary.

¹²⁵ E-mail from David Kaufman, Counsel for Commnet Wireless, LLC, to Auction904@fcc.gov, Federal Communications Commission (Jan. 26, 2021, 12:00 EDT).

¹²⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11662-63 Attach. A: Bids in Default.

defaulting on 16 CBGs subject to forfeiture, which places the company's base forfeiture at \$48,000.00.¹²⁷ Commnet's CBGs in default subject to forfeiture amounted to \$6,797,565.60, thereby capping the maximum possible forfeiture at \$1,019,634.84, which is 15% of Commnet's defaulted support subject to forfeiture in Auction 904.¹²⁸ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹²⁹ the Commission finds that the forfeiture amount of \$48,000.00 against Commnet is appropriate here.

16. Computer Techniques, Inc. dba CTI Fiber (Computer Techniques); FRN: 0017141102; File No.: EB-IHD-22-00033850; NAL/Acct No.: 202232080027. Computer Techniques is an internet service provider based in Taylorville and Hillsboro, Illinois.¹³⁰ Computer Techniques timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹³¹ On February 19, 2021, Computer Techniques notified the Commission of its intent to default on its CBGs subject to forfeiture.¹³² WCB declared Computer Techniques to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹³³ The Commission finds that Computer Techniques apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.¹³⁴ Computer Techniques' CBGs in default subject to forfeiture amounted to \$8,214.00, thereby capping the maximum possible forfeiture at \$1,232.10, which is 15% of Computer Techniques' defaulted support subject to forfeiture in Auction 904.¹³⁵ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹³⁶ the Commission finds that the forfeiture amount of \$1,232.10 against Computer Techniques is appropriate here.

17. Conexon Connect LLC (Conexon Connect); FRN: 0029721511; File No.: EB-IHD-22-00033851; NAL/Acct No.: 202232080028. Conexon Connect is a subsidiary of Conexon LLC based in Kansas City, Missouri that works with rural electric cooperatives to bring fiber internet to their communities.¹³⁷ Conexon Connect was a member of the Rural Electric Cooperative Consortium (RECC).¹³⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a

¹²⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹²⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11662-63, Attach. A: Bids in Default (describing the total amount of Commnet's won support that is in default for the identified bids).

¹²⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹³⁰ CTI, *Home*, <https://www.ctitech.com> (last visited Apr. 26, 2022).

¹³¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13911, Attach. A: Winning Bidder Summary.

¹³² E-mail from Adam Vocks, Computer Techniques, Inc. d/b/a CTI Fiber, to Ian Forbes, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Feb. 19, 2021, 11:12 EDT)

¹³³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11663 Attach. A: Bids in Default.

¹³⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹³⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11663, Attach. A: Bids in Default (describing the total amount of Computer Techniques' won support that is in default for the identified bids).

¹³⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹³⁷ Conexon, *Home*, <https://conexon.us> (last visited Apr. 26, 2022).

¹³⁸ Rural Electric Cooperative Consortium, Auction 904 FCC Form 175 Application, File No. 0009148768, at Attach. 2, p. 13 (filed July 14, 2020); https://auctionnextfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12165528&file_num=0009148768&version=2&Pstart=1&auction_id=904 (RECC Short-Form Filing).

successful bidder.¹³⁹ In turn, RECC assigned bids covering 1,156 CBGs to Conexon Connect.¹⁴⁰ On January 28, 2021, Conexon Connect notified the Commission that it was defaulting on 13 CBGs subject to forfeiture in Ohio, Texas, and Virginia,¹⁴¹ and on June 16, 2021, Conexon Connect notified the Commission that it was defaulting on one CBG subject to forfeiture in Illinois.¹⁴² WCB declared Conexon Connect to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁴³ The Commission finds that Conexon Connect apparently committed 14 violations by defaulting on 14 CBGs subject to forfeiture, which places the company's base forfeiture at \$42,000.00.¹⁴⁴ Conexon Connect's assigned CBGs in default subject to forfeiture amounted to \$521,940.20, thereby capping the maximum possible forfeiture at \$78,291.03, which is 15% of Conexon Connect's defaulted support subject to forfeiture in Auction 904.¹⁴⁵ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁴⁶ the Commission finds that the forfeiture amount of \$42,000.00 against Conexon Connect is appropriate here.

18. **Consolidated Fiber, Inc. (Consolidated Fiber); FRN: 0027761279; File No.: EB-IHD-22-00033852; NAL/Acct No.: 202232080029.** Consolidated Fiber is a wholly owned subsidiary of Consolidated Cooperative, headquartered in Mount Gilead, Ohio.¹⁴⁷ Consolidated Cooperative was a member of RECC.¹⁴⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁴⁹ In turn, RECC assigned three CBGs to Consolidated Fiber.¹⁵⁰ Consolidated Fiber failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.¹⁵¹ On January 29, 2021, Consolidated Fiber notified the Commission that it was defaulting on all three of its CBGs subject to forfeiture in Ohio.¹⁵² WCB declared Consolidated Fiber to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁵³ The Commission finds that Consolidated Fiber apparently committed three violations by defaulting on three CBGs subject to

¹³⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

¹⁴⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁴¹ Letters from Conexon Connect, LLC, to Federal Communications Commission (Jan.28, 2021).

¹⁴² Letter from Todd B. Lantor, Counsel to Conexon Connect, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (June 16, 2021).

¹⁴³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11663-64 Attach. A: Bids in Default.

¹⁴⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁴⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11663-64, Attach. A: Bids in Default (describing the total amount of Conexon Connect's won support that is in default for the identified bids).

¹⁴⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁴⁷ Consolidated Cooperative, *Fiber*, <https://www.consolidated.coop/fiber> (last visited Apr. 29, 2022).

¹⁴⁸ See RECC Short-Form Filing, at Attach. 2, p. 14.

¹⁴⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

¹⁵⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁵¹ *Id.* at 11651, n.1.

¹⁵² Letter from Todd B. Lantor, Counsel to Consolidated Fiber, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

¹⁵³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

forfeiture, which places the company's base forfeiture at \$9,000.00.¹⁵⁴ Consolidated Fiber's assigned CBGs in default subject to forfeiture amounted to \$80,957.90, thereby capping the maximum possible forfeiture at \$12,143.68, which is 15% of Consolidated Fiber's defaulted support subject to forfeiture in Auction 904.¹⁵⁵ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁵⁶ the Commission finds that the forfeiture amount of \$9,000.00 against Consolidated Fiber is appropriate here.

19. **Cooperative Connect, Inc. (Cooperative Connect); FRN: 0029757853; File No.: EB-IHD-22-00033853; NAL/Acct No.: 202232080030.** Cooperative Connect is a nonprofit corporation headquartered in Lorain and Wellington, Ohio. It is an internet cooperative owned by three Ohio rural electric cooperatives; Firelands Electric Cooperative, Inc.; Lorain-Medina Rural Electric Cooperative; Inc.; and North Central Electric Cooperative, Inc.¹⁵⁷ Cooperative Connect was a member of RECC.¹⁵⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁵⁹ In turn, RECC assigned three CBGs to Cooperative Connect.¹⁶⁰ Cooperative Connect failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.¹⁶¹ On January 29, 2021, Cooperative Connect notified the Commission that it was defaulting on four CBGs subject to forfeiture in Ohio.¹⁶² WCB declared Cooperative Connect to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁶³ The Commission finds that Cooperative Connect apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.¹⁶⁴ Cooperative Connect's assigned CBGs in default subject to forfeiture amounted to \$405,180.00, thereby capping the maximum possible forfeiture at \$60,777.00, which is 15% of Cooperative Connect's defaulted support subject to forfeiture in Auction 904.¹⁶⁵ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁶⁶ the Commission finds that the forfeiture amount of \$12,000.00 against Cooperative Connect is appropriate here.

20. **Delta Communications, LLC (Delta Communications); FRN: 0007690258; File No.: EB-IHD-22-00033854; NAL/Acct No.: 202232080031.** Delta Communications is an internet service

¹⁵⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁵⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11664 Attach. A: Bids in Default (describing the total amount of Consolidated Fiber's won support that is in default for the identified bids).

¹⁵⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁵⁷ See RECC Short-Form Filing, at Attach. 2, p. 18.

¹⁵⁸ *Id.*

¹⁵⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

¹⁶⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁶¹ *Id.* at 1151, n.1.

¹⁶² Letter from Todd B. Lantor, Counsel to Cooperative Connect, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

¹⁶³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664 Attach. A: Bids in Default.

¹⁶⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁶⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11664 Attach. A: Bids in Default (describing the total amount of Cooperative Connect's won support that is in default for the identified bids).

¹⁶⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

provider located in Harrisburg, Illinois.¹⁶⁷ Delta Communications is owned by Cable One, Inc., which was a member of the Wisper-CABO 904 Consortium (Wisper-CABO).¹⁶⁸ Wisper-CABO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁶⁹ In turn, Wisper-CABO assigned seven CBGs to Delta Communications in Illinois.¹⁷⁰ On November 1, 2021, Delta Communications notified the Commission of its intent to default on its seven CBGs subject to forfeiture.¹⁷¹ WCB declared Delta Communications to be in default on December 16, 2021, and referred the company to EB for enforcement action.¹⁷² The Commission finds Delta Communications apparently committed seven violations by defaulting on seven CBGs subject to forfeiture, which places the company's base forfeiture at \$21,000.00.¹⁷³ Delta Communications' assigned CBGs in default subject to forfeiture amounted to \$12,369.20, thereby capping the maximum possible forfeiture at \$1,855.38, which is 15% of Delta Communications' defaulted support subject to forfeiture in Auction 904.¹⁷⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁷⁵ the Commission finds that the forfeiture amount of \$1,855.38 against Delta Communications is appropriate here.

21. **Direct Communications Rockland, Inc. (Direct Communications); FRN: 0004321790; File No.: EB-IHD-22-00033855; NAL/Acct No.: 202232080032.** Direct Communications is a fiber broadband company in Rockland, Idaho.¹⁷⁶ Direct Communications timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁷⁷ On December 16, 2021, WCB declared Direct Communications to be in default when the company did not submit its ETC documentation by the June 7, 2021, Long-Form ETC deadline, and referred the company to EB for enforcement action.¹⁷⁸ The Commission finds Direct Communications apparently committed 15 violations by defaulting on 15 CBGs subject to forfeiture, which places the company's base forfeiture at

¹⁶⁷ Dunn and Bradstreet Business Directory, *Delta Communications, LLC*, https://www.dnb.com/business-directory/company-profiles.delta_communications_llc.15a5b1c79c44128ba17cb0ff885297d1.html (last visited Apr. 26, 2022).

¹⁶⁸ Wisper-CABO 904 Consortium, Auction 904 FCC Form 175 Application, File No. 0009149272, at Ownership & Wisper-CABO 904 Consortium Attach. (filed July 14, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12176125&file_num=0009149272&version=2&PStart=1&auction_id=904.

¹⁶⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13932-33, Attach. A: Winning Bidder Summary.

¹⁷⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁷¹ E-mail from Patrick Caron, General Counsel, Cable One, to Auction904@fcc.gov, Federal Communications Commission (Nov. 1, 2021, 16:35 EDT).

¹⁷² *December 2021 Default Public Notice*, Attach. B: Bids in Default.

¹⁷³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁷⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Delta Communications' won support that is in default for the identified bids).

¹⁷⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁷⁶ Direct Communications, *Home*, <https://directcom.com/idaho> (last visited Apr. 26, 2022).

¹⁷⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13913, Attach. A: Winning Bidder Summary.

¹⁷⁸ *December 2021 Default Public Notice*, Attach. B: Bids in Default.

\$45,000.00.¹⁷⁹ Direct Communications' CBGs in default subject to forfeiture amounted to \$15,542,781.30, thereby capping the maximum possible forfeiture at \$2,331,417.19, which is 15% of Delta Communications' defaulted support subject to forfeiture in Auction 904.¹⁸⁰ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁸¹ the Commission finds that the forfeiture amount of \$45,000.00 against Direct Communications is appropriate here.

22. **Edisto Electric Cooperative, Inc. (Edisto); FRN: 0029709995; File No.: EB-IHD-22-00033856; NAL/Acct No.: 202232080033.** Edisto is an electric cooperative located in Bamberg, South Carolina.¹⁸² Edisto was a member of RECC.¹⁸³ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁸⁴ In turn, RECC assigned three CBGs to Edisto.¹⁸⁵ Edisto failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.¹⁸⁶ On January 29, 2021, Edisto notified the Commission that it was defaulting on three CBGs subject to forfeiture in Ohio.¹⁸⁷ WCB declared Edisto to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁸⁸ The Commission finds that Edisto apparently committed three violations by defaulting on three CBGs subject to forfeiture, which places the company's base forfeiture at \$9,000.00.¹⁸⁹ Edisto's CBGs in default subject to forfeiture amounted to \$332,634.70, thereby capping the maximum possible forfeiture at \$49,895.20, which is 15% of Edisto's defaulted support subject to forfeiture in Auction 904.¹⁹⁰ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁹¹ the Commission finds that the forfeiture amount of \$9,000.00 against Edisto is appropriate here.

23. **Effective Systems Fiber Network, LLC (Effective Systems); FRN: 0029713260; File No.: EB-IHD-22-00033857; NAL/Acct No.: 202232080034.** Effective Systems is a fiber internet provider located in Franklin, Indiana.¹⁹² Effective Systems was a member of the NRTC Phase 1 RDOF

¹⁷⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁸⁰ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Direct Communications' won support that is in default for the identified bids).

¹⁸¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁸² Edisto Electric Cooperative, *Home*, <https://www.edistoelectric.com/> (last visited Apr. 26, 2022).

¹⁸³ See RECC Short-Form Filing, at Attach. 2, p. 26.

¹⁸⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

¹⁸⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁸⁶ *Id.* at 11651, n.1.

¹⁸⁷ Letter from Todd B. Lantor, Counsel to Edisto Electric Cooperative, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

¹⁸⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁸⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁹⁰ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default (describing the total amount of Edisto's won support that is in default for the identified bids).

¹⁹¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁹² Indiana-Company.Com., *Effective Systems Fiber Network, LLC*, <https://indiana-company.com/co/effective-systems-fiber-network-llc> (last visited Apr. 26, 2022).

Consortium (NRTC).¹⁹³ NRTC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁹⁴ In turn, NRTC assigned four CBGs to Effective Systems.¹⁹⁵ On February 2, 2021, Effective Systems notified the Commission of its intent to default on four CBGs subject to forfeiture in Indiana.¹⁹⁶ WCB declared Effective Systems to be in default on July 26, 2021, and referred the company to EB for enforcement action.¹⁹⁷ The Commission finds that Effective Systems apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.¹⁹⁸ Effective Systems' assigned CBGs in default subject to forfeiture amounted to \$248,649.00, thereby capping the maximum possible forfeiture at \$37,297.35, which is 15% of Effective Systems' defaulted support subject to forfeiture in Auction 904.¹⁹⁹ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁰⁰ the Commission finds that the forfeiture amount of \$12,000.00 against Effective Systems is appropriate here.

24. **City of Farmington (Farmington); FRN: 001609163; File No.: EB-IHD-22-00033858; NAL/Acct No.: 202232080035.** The Farmington Electric Utility System is owned and operated by the City of Farmington, New Mexico.²⁰¹ Farmington serves approximately 46,000 metered customers.²⁰² Farmington timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁰³ On January 22, 2021, Farmington notified the Commission of its intent to default on its CBGs subject to forfeiture.²⁰⁴ WCB declared Farmington to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁰⁵ The Commission finds that Farmington apparently committed six violations by defaulting on six CBGs subject to forfeiture, which places the company's base forfeiture at \$18,000.00.²⁰⁶ Farmington's winning CBGs in default subject to forfeiture amounted to \$3,117,780.60, thereby capping the maximum possible forfeiture at \$467,667.09, which is 15% of Farmington's default support subject to forfeiture in Auction 904.²⁰⁷ Because the base forfeiture

¹⁹³ Letter from Nikki Shoultz, Counsel to Effective Systems Fiber Network, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 2, 2021) (*Effective Systems Default Letter*).

¹⁹⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13921, Attach. A: Winning Bidder Summary.

¹⁹⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁹⁶ *Effective Systems Default Letter*.

¹⁹⁷ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default.

¹⁹⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁹⁹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11664, Attach. A: Bids in Default (describing the total amount of Effective Systems' won support that is in default for the identified bids).

²⁰⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁰¹ City of Farmington, *Farmington Electric Utility System*, <https://www.fmtn.org/181/Farmington-Electric-Utility-System> (last visited Apr. 28, 2022).

²⁰² *Id.*

²⁰³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13910, Attach. A: Winning Bidder Summary.

²⁰⁴ E-mail from Olena Erickson, CPA, Utility Financial Analyst City of Farmington, to Auction904@fcc.gov, Federal Communications Commission (Jan. 22, 2021, 14:43 EDT).

²⁰⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11662, Attach. A: Bids in Default.

²⁰⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁰⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11662, Attach. A: Bids in Default (describing the total amount of Farmington's won support that is in default for the identified bids).

is less than 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁰⁸ the Commission finds that the forfeiture amount of \$18,000.00 against Farmington is appropriate here.

25. **Foursight Communications LLC, d/b/a Trilight (Trilight); FRN: 0028574499; File No.: EB-IHD-22-00033859; NAL/Acct No.: 202232080036.** Trilight is an internet service company located in Cookeville, Tennessee.²⁰⁹ Trilight participated in Auction 904 as a member of the Tennessee Cooperative Group Consortium (TN Coop).²¹⁰ TN Coop timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²¹¹ In turn, TN Coop assigned Trilight 13 CBGs.²¹² On January 28, 2021, Trilight notified the Commission that it was defaulting on five CBGs subject to forfeiture in Tennessee.²¹³ WCB declared Trilight to be in default on July 26, 2021, and referred the company to EB for enforcement action.²¹⁴ The Commission finds that Trilight apparently committed five violations by defaulting on five CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.²¹⁵ Trilight's assigned CBGs in default subject to forfeiture amounted to \$98,271.40, thereby capping the maximum possible forfeiture at \$14,740.71, which is 15% of Trilight's defaulted support subject to forfeiture in Auction 904.²¹⁶ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,²¹⁷ the Commission finds that the forfeiture amount of \$14,740.71 against Trilight is appropriate here.

26. **Great Plains Communications LLC (Great Plains); FRN: 0004381380; File No.: EB-IHD-22-00033860; NAL/Acct No.: 202232080037.** Great Plains is a fiber network service provider headquartered in Blair, Nebraska,²¹⁸ and an operating company of Grain Communications Opportunity Fund II, L.P. (Opportunity Fund).²¹⁹ The Opportunity Fund timely submitted its Short-Form Application to participate in Auction 904 on behalf of its operating companies and was a successful bidder.²²⁰ In turn,

²⁰⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁰⁹ Dunn & Bradstreet Business Directory, https://www.dnb.com/business-directory/company-profiles/foursight_communications_llc.7266adda5b4d9b327ec46f1ae386776b.html (last visited Apr. 29, 2022)

²¹⁰ E-mail from Jonathan West, Counsel to Foursight Communications LLC d/b/a Trilight, to Heidi Lankau, Telecommunications Policy Access Division, Federal Communications Commission (Jan. 28, 2021, 18:31 EDT). (*Trilight Default E-mail*).

²¹¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13929, Attach. A: Winning Bidder Summary.

²¹² *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

²¹³ *Trilight Default E-mail*.

²¹⁴ *July 2021 Default Public Notice*, 36 FCC Rcd at 11664-65, Attach. A: Bids in Default.

²¹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²¹⁶ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11664-65, Attach. A: Bids in Default (describing the total amount of Trilight's won support that is in default for the identified bids).

²¹⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²¹⁸ Great Plains Communications, *Home*, <https://gpcom.com> (last visited Apr. 26, 2022).

²¹⁹ Grain Management, *Investments*, <https://graingp.com/investments/> (last visited Apr. 28, 2022); Grain Communications Opportunity Fund II, L.P., Auction 904 FCC Form 175 Application, File No. 0009149927, at Operating Companies Attach. (filed July 9, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12165733&file_num=0009149927&version=2&PStart=1&auction_id=904.

²²⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13916, Attach. A: Winning Bidder Summary.

Opportunity Fund assigned four CBGs in Nebraska to Great Plains.²²¹ On Sept. 14, 2021, Great Plains notified the Commission of its intent to default on its CBGs subject to forfeiture in Nebraska.²²² WCB declared Great Plains to be in default on December 16, 2021, and referred the company to EB for enforcement action.²²³ The Commission finds that Great Plains apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.²²⁴ Great Plains' assigned CBGs in default subject to forfeiture amounted to \$18,416.20, thereby capping the maximum possible forfeiture at \$2,762.43, which is 15% of Great Plain' defaulted support subject to forfeiture in Auction 904.²²⁵ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,²²⁶ the Commission finds that the forfeiture amount of \$2,762.43 against Great Plains is appropriate here.

27. Gtek Computers & Wireless LLC (Gtek); FRN: 0016715682; File No.: EB-IHD-22-00033861; NAL/Acct No.: 202232080038. Gtek is a wireless internet service provider headquartered in Portland, Texas.²²⁷ Gtek participated in Auction 904 as a member of the NexTier Consortium (NexTier).²²⁸ NexTier timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²²⁹ In turn, NexTier assigned 65 CBGs to Gtek.²³⁰ On February 4, 2022, Gtek notified the Commission that it was defaulting on 61 CBGs subject to forfeiture in Texas.²³¹ WCB declared Gtek to be in default on January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.²³² The Commission finds that Gtek apparently committed 61 violations by defaulting on 61 CBGs subject to forfeiture, which places the company's base forfeiture at \$183,000.00.²³³ Gtek's assigned CBGs in default subject to forfeiture amounted to \$277,069.70, thereby capping the maximum

²²¹ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

²²² E-mail from Rodney Thiemann, Sr. Director of Regulatory Finance, Great Plains Communications, LLC, to Auction904@fcc.gov, Federal Communications Commission (Sept. 14, 2021, 11:45 EDT).

²²³ *December 2021 Default Public Notice*, Attach. B: Bids in Default.

²²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²²⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Great Plains' won support that is in default for the identified bids).

²²⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²²⁷ Gtek 360, Home, <https://www.gtek.biz> (last visited Apr. 26, 2022).

²²⁸ See NexTier Consortium, Auction 904 FCC Form 175 Application, File No. 0009149839, at Ownership (filed Sept. 23, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12180976&file_num=0009149839&version=2&PStart=1&auction_id=904 (NexTier Short-Form Filing).

²²⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

²³⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

²³¹ Letter from Justin Aragon, Director of Operations, Gtek 360, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 4, 2022).

²³² *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

²³³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

possible forfeiture at \$41,560.46, which is 15% of Gtek's defaulted support subject to forfeiture in Auction 904.²³⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,²³⁵ the Commission finds that the forfeiture amount of \$41,560.46 against Gtek is appropriate here.

28. **Guernsey-Muskingum Electric Cooperative, Inc. (Guernsey); FRN: 0029716396; File No.: EB-IHD-22-00033862; NAL/Acct No.: 202232080039.** Guernsey is an Ohio electric cooperative located in New Concord, Ohio.²³⁶ Guernsey was a member of RECC.²³⁷ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²³⁸ In turn, RECC then assigned Guernsey two of its CBGs in Ohio.²³⁹ Guernsey failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.²⁴⁰ On January 29, 2021, Guernsey notified the Commission of its intent to default on both of its CBGs subject to forfeiture in Ohio.²⁴¹ WCB declared Guernsey to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁴² The Commission finds that Guernsey apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.²⁴³ Guernsey's CBGs in default subject to forfeiture amounted to \$24,924.00, thereby capping the maximum possible forfeiture at \$3,738.60, which is 15% of Guernsey's defaulted support subject to forfeiture in Auction 904.²⁴⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$3,738.60 against Guernsey is appropriate here.²⁴⁵

29. **HolstonConnect LLC (HolstonConnect); FRN: 0026995332; File No.: EB-IHD-22-00033863; NAL/Acct No.: 202232080040.** HolstonConnect, a wholly owned subsidiary of Houston Electric Cooperative, has its headquarters in Tennessee, and provides telephone, TV, and internet services to customers, businesses and governmental entities located in rural areas.²⁴⁶ HolstonConnect was a member of RECC.²⁴⁷ RECC timely submitted its Short-Form Application to participate in Auction 904

²³⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default, (describing the total amount of Gtek's won support that is in default for the identified bids).

²³⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²³⁶ Guernsey, *About Your Cooperative*, <https://www.gmenergy.com/about-your-cooperative> (last visited Apr. 13, 2022).

²³⁷ See RECC Short-Form Filing, at Attach. 2, p. 30.

²³⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

²³⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default.

²⁴⁰ *Id.* at 11651, n.1.

²⁴¹ Letter from Todd Lantor, Counsel to Guernsey-Muskingum Electric Cooperative, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

²⁴² *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default.

²⁴³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁴⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default (describing the total amount of Guernsey's assigned support that is in default for the identified bids).

²⁴⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁴⁶ HolstonConnect, *About Us*, <https://www.holstonconnect.com> (last visited May 8, 2022).

²⁴⁷ See RECC Short-Form Filing, at Attach. 2, pp. 30-31.

and was a successful bidder.²⁴⁸ In turn, RECC assigned its winning bids for 12 CBGs to HolstonConnect, which timely submitted its Long-Form Application.²⁴⁹ On September 1, 2021, HolstonConnect notified the Commission of its intent to default on its assigned CBGs subject to forfeiture.²⁵⁰ WCB declared HolstonConnect to be in default on December 16, 2021, and referred the company to EB for enforcement action.²⁵¹ The Commission finds that HolstonConnect apparently committed 12 violations by defaulting on 12 CBGs subject to forfeiture, which places the company's base forfeiture at \$36,000.00.²⁵² HolstonConnect's assigned CBGs in default subject to forfeiture amounted to \$37,700.70, thereby capping the maximum possible forfeiture at \$5,655.10.²⁵³ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁵⁴ the Commission finds that the forfeiture amount of \$5,655.10 against HolstonConnect is appropriate here.

30. **HomeTown Broadband, Inc. (HomeTown); FRN: 0029677846; File No.: EB-IHD-22-00033864; NAL/Acct No.: 202232080041.** HomeTown, an entity formed in Arkansas, filed its application as a consortium with its affiliate, Dunnell Telephone Company.²⁵⁵ HomeTown timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁵⁶ On February 19, 2021, HomeTown notified the Commission of the company's intent to default on its two CBGs subject to forfeiture in Arkansas.²⁵⁷ WCB declared HomeTown to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁵⁸ The Commission finds that HomeTown apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.²⁵⁹ HomeTown's winning bids in default subject to forfeiture amounted to \$1,369,579.00, thereby capping the maximum possible forfeiture at \$205,436.85, which is 15% of HomeTown's default support subject to forfeiture in Auction 904.²⁶⁰ Because the base forfeiture

²⁴⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

²⁴⁹ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

²⁵⁰ Letter from Todd B. Lantor, Counsel to HolstonConnect LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 1, 2021).

²⁵¹ *December 2021 Default Public Notice*, Attach. B: Bids in Default.

²⁵² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁵³ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of HolstonConnect's won support that is in default for the identified bids).

²⁵⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁵⁵ See Application to Participate in Auction 904, FCC Form 183, HomeTown Broadband, Inc., File No. 0009149852, (filed Sept. 23, 2020); Dunnell Telephone Company, <http://www.dunnelltelephone.com/> (last visited May 12, 2022).

²⁵⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917, Attach. A: Winning Bidder Summary.

²⁵⁷ E-mail from Charles Mattingly, Chief Executive Officer, HomeTown Broadband, Inc., to Auction904@fcc.gov, Federal Communications Commission (Feb. 19, 2021, 11:05 EDT).

²⁵⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default.

²⁵⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁶⁰ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default (describing the total amount of HomeTown's won support that is in default for the identified bids).

is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁶¹ the Commission finds that the forfeiture amount of \$6,000.00 against HomeTown is appropriate here.

31. **Horry Telephone Cooperative, Inc. (HTC); FRN: 0001886944; File No.: EB-IHD-22-00033865; NAL/Acct No.: 202232080042.** HTC is a cooperative in South Carolina that provides telecommunications services in Horry, Georgetown, and Marion counties.²⁶² HTC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁶³ On April 7, 2021, HTC notified the Commission of its intent to default on 10 CBGs subject to forfeiture in South Carolina.²⁶⁴ WCB declared HTC to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁶⁵ The Commission finds that HTC apparently committed 10 violations by defaulting on 10 CBGs subject to forfeiture, which places the company's base forfeiture at \$30,000.00.²⁶⁶ HTC's CBGs in default amounted to \$117,884.40, thereby capping the maximum possible forfeiture at \$17,682.66, which is 15% of HTC's defaulted support subject to forfeiture in Auction 904.²⁶⁷ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$17,682.66 against HTC is appropriate here.²⁶⁸

32. **Hotwire Communications, Ltd. (Hotwire); FRN: 0009846494; File No.: EB-IHD-22-00033866; NAL/Acct No.: 202232080043.** Hotwire is a Pennsylvania Limited Partnership headquartered in Bala Cynwyd, Pennsylvania.²⁶⁹ Hotwire provides fiber optic services to communities in Florida, South Carolina, Maryland, Pennsylvania, New Jersey and New York.²⁷⁰ Hotwire timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁷¹ On January 29, 2021, Hotwire notified the Commission of its intent to default on 13 of its 34 CBGs.²⁷² WCB declared Hotwire to be in default for those 13 CBGs on July 26, 2021, and referred the company to EB for enforcement action.²⁷³ WCB declared Hotwire to be in further default for an additional 21 CBGs on December 16, 2021, after Hotwire made a major modification to its pending Long-Form Application and its request for a waiver of the prohibition on major modifications was denied, and again referred the

²⁶¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁶² HTC, *About Us*, <https://www.htcinc.net/about-htc/> (last visited May 2, 2022).

²⁶³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917, Attach. A: Winning Bidder Summary.

²⁶⁴ E-mail from Dee Herman, Counsel to Horry Telephone Cooperative, Inc., to Auction904@fcc.gov, Federal Communications Commission (Apr. 7, 2021, 18:21 EDT).

²⁶⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default.

²⁶⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁶⁷ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11665, Attach. A: Bids in Default (describing the total amount of HTC's won support that is in default for the identified bids).

²⁶⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁶⁹ Hotwire, *About Hotwire*, <https://gethotwired.com/about> (last visited Apr. 14, 2022).

²⁷⁰ *Id.*

²⁷¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917, Attach. A: Winning Bidder Summary.

²⁷² E-mail from Jeff Carlisle, Lerman Senter PLLC, Counsel to Hotwire Communications, Ltd., to Auction904@fcc.gov, Federal Communications Commission (Jan. 29, 2021, 11:32 EDT).

²⁷³ 47 CFR § 54.804(b)(6)(iv) ("Applications to which major modifications are made after the deadline for submitting applications shall be denied."). See also *July 2021 Default Public Notice*, 36 FCC Rcd at 11665-66, Attach. A: Bids in Default.

company to EB for enforcement action.²⁷⁴ The Commission finds that Hotwire apparently committed 28 violations by defaulting on 28 CBGs subject to forfeiture, which places the company's base forfeiture at \$84,000.00.²⁷⁵ Hotwire's CBGs in default subject to forfeiture amounted to \$4,008,371.00, thereby capping the maximum possible forfeiture at \$601,255.65, which is 15% of Hotwire's defaulted support subject to forfeiture in Auction 904.²⁷⁶ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁷⁷ the Commission finds that the forfeiture amount of \$84,000.00 against Hotwire is appropriate here.

33. iZone Broadband LLC. (iZone); FRN: 0026899971; File No.: EB-IHD-22-00033867; NAL/Acct No.: 202232080044. iZone is an Ohio company providing high speed internet to rural homes or offices in Central Ohio.²⁷⁸ iZone was a member of NexTier.²⁷⁹ NexTier timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁸⁰ In turn, NexTier assigned iZone four CBGs in Ohio.²⁸¹ iZone failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.²⁸² On January 27, 2021, iZone notified the Commission of its intent to default on four of its CBGs subject to forfeiture in Ohio.²⁸³ WCB declared iZone to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁸⁴ The Commission finds that iZone apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.²⁸⁵ iZone's CBGs in default subject to forfeiture amounted to \$156,450.50, thereby capping the maximum possible forfeiture at \$23,467.58, which is 15% of iZone's defaulted support subject to forfeiture in Auction 904.²⁸⁶ Because the \$12,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$12,000.00 against iZone is appropriate here.²⁸⁷

34. KanOkla Telephone Association (KanOkla); FRN: 0004362364; File No.: EB-IHD-22-00033868; NAL/Acct No.: 202232080045. KanOkla is a Kansas cooperative headquartered in Calwell,

²⁷⁴ *December 2021 Default Public Notice*, Attach. B: Bids in Default.

²⁷⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁷⁶ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11665-66, Attach. A: Bids in Default; *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Hotwire's won support that is in default for the identified bids).

²⁷⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁷⁸ iZone, Home, <https://www.izonebroadband.com/> (last visited Mar. 29, 2022). *See also* iZone, *About Us*, https://www.izonebroadband.com/about_us/ (last visited Mar. 29, 2022).

²⁷⁹ *See* NexTier Short-Form Filing.

²⁸⁰ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

²⁸¹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11666, Attach. A: Bids in Default.

²⁸² *Id.* at 11651, n.1

²⁸³ E-mail from Scott Lanham, President, iZone Broadband LLC., to Auction904@fcc.gov, Federal Communications Commission (Jan. 27, 2021, 14:45 EDT).

²⁸⁴ *July 2021 Default Public Notice*, 36 FCC Rcd at 11666, Attach. A: Bids in Default.

²⁸⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁸⁶ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11666, Attach. A: Bids in Default (describing the total amount of iZone's won support that is in default for the identified bids).

²⁸⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

Kansas.²⁸⁸ KanOkla offers high speed internet service to rural locations in Kansas and Oklahoma through its network of fixed tower sites and fiber routes.²⁸⁹ KanOkla timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁹⁰ On February 4, 2021, KanOkla notified the Commission of its intent to default on both of its CBGs.²⁹¹ WCB declared KanOkla to be in default on July 26, 2021, and referred the company to EB for enforcement action.²⁹² The Commission finds that KanOkla apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.²⁹³ KanOkla's CBGs in default subject to forfeiture amounted to \$25,855.90, thereby capping the maximum possible forfeiture at \$3,878.38, which is 15% of KanOkla's defaulted support subject to forfeiture in Auction 904.²⁹⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,²⁹⁵ the Commission finds that the forfeiture amount of \$3,878.38 against KanOkla is appropriate here.

35. Licking Rural Electrification (Licking); FRN: 0023704042; File No.: EB-IHD-22-00033869; NAL/Acct No.: 202232080046. Licking is an Ohio company located in Newark, Ohio.²⁹⁶ Licking was a member of RECC.²⁹⁷ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁹⁸ In turn, RECC assigned Licking six CBGs in Ohio.²⁹⁹ Licking failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.³⁰⁰ On February 2, 2021, Licking notified the Commission of its intent to default on all of its assigned CBGs in Ohio, of which five are subject to forfeiture.³⁰¹ WCB declared Licking to be in default on July 26, 2021, and referred the company to EB for enforcement action.³⁰² The Commission finds that Licking apparently committed five violations by defaulting on five CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.³⁰³ Licking's assigned CBGs subject to forfeiture amounted to \$67,112.80, thereby capping the maximum possible forfeiture at \$10,066.92, which is 15% of Licking's

²⁸⁸ KanOkla, *About Us*, <https://www.kanokla.com/about-us> (last visited Mar. 18, 2022).

²⁸⁹ *Id.*

²⁹⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917, Attach. A: Winning Bidder Summary.

²⁹¹ E-mail from Jill Kuehny, Chief Executive Officer, KanOkla Telephone Association, to Auction904@fcc.gov, Federal Communications Commission (Feb. 4, 2021, 19:00 EDT).

²⁹² *July 2021 Default Public Notice*, 36 FCC Rcd at 11666, Attach. A: Bids in Default.

²⁹³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁹⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11666, Attach. A: Bids in Default (describing the total amount of KanOkla's won support that is in default for the identified bids).

²⁹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁹⁶ Licking, *Contact Us*, <https://myenergycoop.com/contact-us/> (last visited Apr. 14, 2022).

²⁹⁷ See RECC Short-Form Filing, at Attach. 2, pp. 34-35.

²⁹⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

²⁹⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11666-67, Attach. A: Bids in Default.

³⁰⁰ *Id.* at 11651, n.1.

³⁰¹ E-mail from Todd B. Lantor, Counsel to Licking Rural Electrification, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 2, 2021).

³⁰² *July 2021 Default Public Notice*, 36 FCC Rcd at 11666-67, Attach. A: Bids in Default.

³⁰³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

defaulted support subject to forfeiture in Auction 904.³⁰⁴ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$10,066.92 against Licking is appropriate here.³⁰⁵

36. LTD Broadband LLC (LTD Broadband); FRN: 0020926788; File No.: EB-IHD-22-00033870; NAL/Acct No.: 202232080047. LTD Broadband is a Nevada company that provides fiber and fixed wireless service to customers, businesses and governmental entities located in rural areas.³⁰⁶ LTD Broadband timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁰⁷ On August 16, 2021, LTD Broadband notified the Commission of its intent to default on certain census blocks.³⁰⁸ On August 25, 2021, LTD Broadband also notified the Commission that it would not seek reconsideration of WCB's denial of the company's deadline waiver request for its Kansas and Oklahoma bids.³⁰⁹ The areas where LTD Broadband intended to default cover 768 CBGs subject to forfeiture. WCB declared LTD Broadband to be in default on December 16, 2021,³¹⁰ and on January 28, 2022,³¹¹ and referred the company to EB for enforcement action. The Commission finds that LTD Broadband apparently committed violations by defaulting on 768 CBGs subject to forfeiture, which places the company's base forfeiture at \$2,304,000.00.³¹² LTD Broadband's CBGs in default subject to forfeiture amounted to \$78,496,778.40, thereby capping the maximum possible forfeiture at \$11,774,516.76, which is 15% of LTD Broadband's defaulted support subject to forfeiture in Auction 904.³¹³ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,³¹⁴ the Commission finds that the forfeiture amount of \$2,304,000.00 against LTD Broadband is appropriate here.

37. Lynches River Communications, Inc. (Lynches); FRN: 0029688389; File No.: EB-IHD-22-00033871; NAL/Acct No.: 202232080048. Lynches is a South Carolina company located in Pageland, South Carolina.³¹⁵ Lynches was a member of RECC.³¹⁶ RECC timely submitted its Short-

³⁰⁴ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11666-67, Attach. A: Bids in Default (describing the total amount of Licking's won support that is in default for the identified bids).

³⁰⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁰⁶ LTD Broadband, *About*, <https://ltdbroadband.com/about> (last visited May 10, 2022).

³⁰⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13917-18, Attach. A: Winning Bidder Summary.

³⁰⁸ E-mail from Stephen E. Coran, Counsel to LTD Broadband LLC, to Auction904@fcc.gov, Federal Communications Commission (Aug. 16, 2021, 15:45 EDT).

³⁰⁹ Petition for Partial Reconsideration of LTD Broadband LLC, AU Docket No. 20-34, *et al.*, at 1-2 (filed Aug. 25, 2021).

³¹⁰ *December 2021 Default Public Notice*, at 4-5, n.38 & Attach. B: Bids in Default.

³¹¹ *January 2022 Default Public Notice*, Attach. B: Bids in Default.

³¹² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³¹³ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of LTD Broadband's won support that is in default for the identified bids); *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of LTD Broadband's won support that is in default for the identified bids).

³¹⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³¹⁵ See South Carolina Sec. State, *Business Name Search: Lynches River Communications, Inc.*, <https://businessfilings.sc.gov/BusinessFiling/Entity/Profile/622f7185-d20a-4613-9c56-1235c6e9ab5e> (last visited Apr. 15, 2022).

³¹⁶ See RECC Short-Form Filing, at Attach. 2, p. 36.

Form Application to participate in Auction 904 and was a successful bidder.³¹⁷ In turn, RECC assigned Lynches four CBGs in Ohio.³¹⁸ Lynches failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.³¹⁹ On January 29, 2021, Lynches notified the Commission of its intent to default on its assigned CBGs subject to forfeiture.³²⁰ WCB declared Lynches to be in default on July 26, 2021, and referred the company to EB for action.³²¹ The Commission finds that Lynches apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.³²² Lynches' assigned CBGs in default subject to forfeiture amounted to \$155,242.50, thereby capping the maximum possible forfeiture at \$23,286.38, which is 15% of Lynches' defaulted support subject to forfeiture in Auction 904.³²³ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,³²⁴ the Commission finds that the forfeiture amount of \$12,000.00 against Lynches is appropriate here.

38. MCC Network Services, LLC (MCC); FRN: 0025942202; File No.: EB-IHD-22-00033872; NAL/Acct No.: 202232080049. MCC is an Illinois limited liability company headquartered in Sullivan, Illinois.³²⁵ MCC operates a fiber internet network offering internet and voice services in multiple central Illinois counties.³²⁶ MCC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³²⁷ MCC notified the Commission of its intent to default on its winning bids, including 22 CBGs subject to forfeiture.³²⁸ WCB declared MCC to be in default on July 26, 2021, and referred the company to EB for enforcement action.³²⁹ The Commission finds that MCC apparently committed 22 violations by defaulting on 22 CBGs subject to forfeiture, which places the company's base forfeiture at \$66,000.00.³³⁰ MCC's winning bids in default subject to forfeiture amounted to \$29,684.40, thereby capping the maximum possible forfeiture at \$4,452.66, which is 15% of

³¹⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

³¹⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11667, Attach. A: Bids in Default.

³¹⁹ *Id.* at 11651, n.1.

³²⁰ Letter from Todd Lantor, Counsel to Lynches River Communications, Inc., to Auction904@fcc.gov, Federal Communications Commission (Jan. 29, 2021).

³²¹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11667, Attach. A: Bids in Default.

³²² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³²³ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11667, Attach. A: Bids in Default (describing the total amount of Lynches' won support that is in default for the identified bids).

³²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³²⁵ See Illinois Sec. State, *Corporation/LLC Search: MCC Network Services, LLC*, <https://apps.ilsos.gov/corporatellc/CorporateLlcController> <https://businessfilings.sc.gov/BusinessFiling/Entity/Profile/622f7185-d20a-4613-9c56-1235c6e9ab5e> (last visited June 10, 2022).

³²⁶ See MCC, *Fiber Internet*, <https://www.mcc-ixc.com/fiber-internet> (last visited Apr. 15, 2022).

³²⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13918, Attach. A: Winning Bidder Summary.

³²⁸ E-mail from Brittany Walters, Chief Financial Officer, MCC Network Services, LLC, to Auction904@fcc.gov, Federal Communications Commission (Feb. 3, 2021, 15:10 EDT).

³²⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11667-68, Attach. A: Bids in Default.

³³⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

MCC's defaulted support subject to forfeiture in Auction 904.³³¹ Because the \$66,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,³³² the Commission finds that the forfeiture amount of \$4,452.66 against MCC is appropriate here.

39. Mountain West Technologies Corporation (Mountain West); FRN: 0015643182; File No.: EB-IHD-22-00033873; NAL/Acct No.: 202232080050. Mountain West is a wireless internet service provider headquartered in Casper, Wyoming.³³³ Mountain West timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³³⁴ On June 22, 2021, Mountain West notified the Commission of its intent to default on its CBGs subject to forfeiture.³³⁵ WCB declared Mountain West to be in default on July 26, 2021, and referred the company to EB for enforcement action.³³⁶ The Commission finds that Mountain West apparently committed 15 violations by defaulting on 15 CBGs subject to forfeiture, which places the company's base forfeiture at \$45,000.00.³³⁷ Mountain West's CBGs in default subject to forfeiture amounted to \$112,413.80, thereby capping the maximum possible forfeiture at \$16,862.07, which is 15% of Mountain West's defaulted support subject to forfeiture in Auction 904.³³⁸ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,³³⁹ the Commission finds that the forfeiture amount of \$16,862.07 against Mountain West is appropriate here.

40. NEXT, Powered by NAEC, LLC (NEXT); FRN: 0026157230; File No.: EB-IHD-22-00033874; NAL/Acct No.: 202232080051. NEXT is a member of the North Arkansas Electric Cooperative located in Salem, Arkansas,³⁴⁰ and offers broadband internet, telephone, and television services.³⁴¹ NEXT was a member of RECC.³⁴² RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁴³ In turn, RECC assigned NEXT 47 CBGs in Arkansas.³⁴⁴ On August 16, 2021, NEXT notified the Commission of its intent to default on one assigned

³³¹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11667-68, Attach. A: Bids in Default (describing the total amount of MCC's won support that is in default for the identified bids).

³³² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³³³ Mountain West, *Home*, <https://mwtn.net> (last visited Apr. 28, 2022).

³³⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

³³⁵ E-mail from Jim Moberly, President, Mountain West Technologies Corporation, to Auction904@fcc.gov, Federal Communications Commission (June 22, 2021, 19:00 EDT).

³³⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11668-69, Attach. A: Bids in Default.

³³⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³³⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11668-69, Attach. A: Bids in Default (describing the total amount of Mountain West's won support that is in default for the identified bids).

³³⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁴⁰ NEXT, *About Us*, <https://www.mynextfiber.com/about> (last visited May 2, 2022).

³⁴¹ NEXT, *Home*, <https://www.mynextfiber.com/> (last visited May 2, 2022).

³⁴² See RECC Short-Form Filing, at Attach. 2, p. 43.

³⁴³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

³⁴⁴ *417 Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

CBG subject to forfeiture in Arkansas.³⁴⁵ On September 3, 2021, NEXT notified the Commission of its intent to default on three additional assigned CBGs subject to forfeiture in Arkansas.³⁴⁶ WCB declared NEXT to be in default on January 28, 2022, and referred the company to EB for enforcement action.³⁴⁷ The Commission finds that NEXT apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.³⁴⁸ NEXT's assigned CBGs in default subject to forfeiture amounted to \$4,533,654.70, thereby capping the maximum possible forfeiture at \$680,048.20, which is 15% of NEXT's defaulted support subject to forfeiture in Auction 904.³⁴⁹ Because the \$12,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,³⁵⁰ the Commission finds that the forfeiture amount of \$12,000.00 against NEXT is appropriate here

41. **Northwest Fiber, LLC d/b/a Ziplly Fiber (NW Fiber); FRN: 0028765642; File No.: EB-IHD-22-00033875; NAL/Acct No.: 202232080052.** NW Fiber is a Delaware corporation located in Kirkland, Washington.³⁵¹ NW Fiber provides residential and business options for internet, phone, and streaming television, voice, and business services.³⁵² NW Fiber is affiliated with St. John Telephone Company, Inc. (St. John Telco),³⁵³ which timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁵⁴ WCB declared NW Fiber to be in default on December 16, 2021, after NW Fiber filed its long-form application past the January 29, 2021 deadline and WCB denied the company's deadline waiver request,³⁵⁵ and referred the company to EB for enforcement action.³⁵⁶ The Commission finds that NW Fiber apparently committed 14 violations by defaulting on 14 CBGs subject to forfeiture, which places the company's base forfeiture at \$42,000.00.³⁵⁷ NW Fiber's winning CBGs in default amounted to \$6,893,419.20, thereby capping the maximum possible forfeiture at \$1,034,012.88,

³⁴⁵ Letter from Todd B. Lantor, Counsel to NEXT, Powered by NAEC, LLC, to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (Aug. 16, 2021).

³⁴⁶ Letter from Todd B. Lantor, Counsel to NEXT, Powered by NAEC, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 3, 2021).

³⁴⁷ *January 2022 Default Public Notice*, Attach. B: Bids in Default.

³⁴⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³⁴⁹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of NEXT's won support that is in default for the identified bids).

³⁵⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁵¹ See Delaware Dept. State: Division of Corporations, *General Information Name Search: Northwest Fiber, LLC*, <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (last visited May 12, 2022). See also Washington Sec. State, Corporations, *Business Search: Northwest Fiber, LLC*, <https://ccfs.sos.wa.gov/#/BusinessSearch> (last visited May 12, 2022).

³⁵² See Ziplly Fiber, *About Us*, <https://zipllyfiber.com/services> (last visited Apr. 29, 2022).

³⁵³ See St. John Telco, Auction 904 FCC Form 175 Application, File No. 0009150005, at Consortium Member List, (filed July 10, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12175733&file_num=0009150005&version=2&Pstart=1&auction_id=904.

³⁵⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13929, Attach. A: Winning Bidder Summary.

³⁵⁵ *The Rural Digital Opportunity Fund et al.*, AU Docket No. 20-34 et al., Order, DA 21-1311 (WCB/OEA Oct. 20, 2021).

³⁵⁶ *December 2021 Default Public Notice* at 4-5, n.38 & Attach. B: Bids in Default.

³⁵⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

which is 15% of NW Fiber's defaulted support subject to forfeiture in Auction 904.³⁵⁸ Because the \$42,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$42,000.00 against NW Fiber is appropriate here.³⁵⁹

42. OEConnect, LLC (OEConnect); FRN: 0027468826; File No.: EB-IHD-22-00033876; NAL/Acct No.: 202232080053. OEConnect is owned by Ostego Electric Cooperative Inc., and located in Hartwick, New York.³⁶⁰ OEConnect offers fiber-to-home internet and VoIP phone services to residents and businesses.³⁶¹ OEConnect was a member of RECC.³⁶² RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁶³ In turn, RECC assigned OEConnect 26 CBGs in New York.³⁶⁴ On January 26, OEConnect notified the Commission of its intent to default on three of its assigned CBGs subject forfeiture.³⁶⁵ WCB declared OEConnect to be in default on July 26, 2021, and referred the company to EB for enforcement action.³⁶⁶ The Commission finds that OEConnect apparently committed three violations by defaulting on three CBGs subject to forfeiture, which places the company's base forfeiture at \$9,000.00.³⁶⁷ OEConnect's assigned CBGs in default subject to forfeiture amounted to \$1,458,348.70, thereby capping the maximum possible forfeiture at \$218,752.30, which is 15% of OEConnect's defaulted support subject to forfeiture in Auction 904.³⁶⁸ Because the \$9,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the \$9,000.00 forfeiture amount against OEConnect is appropriate here.³⁶⁹

43. One Ring Networks, Inc. (One Ring); FRN: 0027986132; File No.: EB-IHD-22-00033877; NAL/Acct No.: 202232080054. One Ring is located in Athens, Texas.³⁷⁰ One Ring offers business broadband services including fixed wireless, fiber and hosted voice in Georgia, Texas, California, Arizona, and Maryland.³⁷¹ One Ring also offers residential internet services.³⁷² One Ring

³⁵⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of NW Fiber's won support that is in default for the identified bids).

³⁵⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁶⁰ OEConnect, *About Us*, <https://oeconnect.coop/about-oeconnect> (last visited May 4, 2022).

³⁶¹ OEConnect, *Home*, <https://oeconnect.coop/> (last visited May 4, 2022).

³⁶² See RECC Short- Form Filing, at Attach. 2, pp. 50-51.

³⁶³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

³⁶⁴ *Id.*

³⁶⁵ Letter from OEConnect, LLC, to Federal Communications Commission (Jan. 26, 2021).

³⁶⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default.

³⁶⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³⁶⁸ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default (describing the total amount of OEConnect's won support that is in default for the identified bids).

³⁶⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁷⁰ One Ring, *About Us*, <https://oneringnetworks.com/about-us/> (last visited May 3, 2022).

³⁷¹ One Ring, *Services*, <https://oneringnetworks.com/internet-services/> (last visited May 3, 2022).

³⁷² One Ring, *Residential Service*, <https://oneringnetworks.com/residential-service/> (last visited May 3, 2022).

timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁷³ On June 7, 2021, One Ring notified the Commission of its intent to default on two CBGs in Maryland.³⁷⁴ WCB declared One Ring to be in default on July 26, 2021, and referred the company to EB for enforcement action.³⁷⁵ On August 17, 2021, One Ring informed the Commission of its intent to default on its remaining CBGs.³⁷⁶ WCB declared One Ring to be in further default on December 16, 2021, and again referred the company to EB for enforcement action.³⁷⁷ The Commission finds that One Ring apparently committed 52 violations by defaulting on 52 CBGs subject to forfeiture, which places the company's base forfeiture at \$156,000.00.³⁷⁸ One Ring's CBGs in default subject to forfeiture amounted to \$49,557.80, thereby capping the maximum possible forfeiture at \$7,433.67, which is 15% of One Ring's defaulted support subject to forfeiture in Auction 904.³⁷⁹ Because the \$156,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$7,433.67 against One Ring is appropriate here.³⁸⁰

44. Palmetto Link, LLC (Palmetto); FRN: 0029732948; File No.: EB-IHD-22-00033878; NAL/Acct No.: 202232080055. Palmetto is a South Carolina company located in Varnville, South Carolina.³⁸¹ Palmetto provides residential and business options for internet, video, and phone.³⁸² Palmetto was a member of RECC.³⁸³ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁸⁴ In turn, RECC assigned Palmetto two CBGs in South Carolina.³⁸⁵ Palmetto failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.³⁸⁶ On January 29, 2021, Palmetto notified the Commission of its intent to default on both of its assigned CBGs subject to forfeiture in South Carolina.³⁸⁷ WCB declared Palmetto to be in default on July 26, 2021, and referred the company to EB for enforcement action.³⁸⁸ The Commission finds that Palmetto apparently committed two violations by defaulting on two of its assigned CBGs subject to forfeiture,

³⁷³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13922, Attach. A: Winning Bidder Summary.

³⁷⁴ One Ring Networks, Inc., Petition for Waiver, WC Docket No. 19-126 *et al.* (filed June 7, 2021).

³⁷⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default.

³⁷⁶ E-mail from Sotheara Leang, Vice President of Operations, One Ring Networks, Inc., Attach.: Surrender of A904 CBGs, at 1, to Auction904@fcc.gov, Federal Communications Commission (Aug. 17, 2021, 15:36 EDT).

³⁷⁷ *December 2021 Default Public Notice*, Attach. B: Bids in Default.

³⁷⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³⁷⁹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default (describing the total amount of One Ring's won support that is in default for the identified bids).

³⁸⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁸¹ Palmetto, *Home*, <https://www.palmettolink.us/> (last visited May 2, 2022).

³⁸² *Id.*

³⁸³ See RECC Short-Form Filing, at Attach. 2, p. 52-53.

³⁸⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

³⁸⁵ *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default.

³⁸⁶ *Id.* at 11651, n.1.

³⁸⁷ Letter from Todd B. Lantor, Counsel to Palmetto Link, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

³⁸⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default.

which places the company's base forfeiture at \$6,000.00.³⁸⁹ Palmetto's assigned CBGs in default subject to forfeiture amounted to \$33,941.70, thereby capping the maximum possible forfeiture at \$5,091.25, which is 15% of Palmetto's defaulted support subject to forfeiture in Auction 904.³⁹⁰ Because the \$6,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$5,091.25 against Palmetto is appropriate here.³⁹¹

45. Pierce Pepin Cooperative Services (Pierce Pepin); FRN: 0005235056; File No.: EB-IHD-22-00033879; NAL/Acct No.: 202232080056. Pierce Pepin is a Wisconsin cooperative located in Ellsworth, Wisconsin.³⁹² Pierce Pepin provides high speed broadband internet for Western Wisconsin through its subsidiary SwiftCurrent Connect.³⁹³ Pierce Pepin was a member of RECC.³⁹⁴ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³⁹⁵ In turn, RECC assigned Pierce Pepin three CBGs in Wisconsin.³⁹⁶ Pierce Pepin failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.³⁹⁷ On February 1, 2021, Pierce Pepin notified the Commission of its intent to default on three of its assigned CBGs subject to forfeiture in Wisconsin.³⁹⁸ WCB declared Pierce Pepin to be in default on July 26, 2021, and referred the company to EB for enforcement action.³⁹⁹ The Commission finds that Pierce Pepin apparently committed three violations by defaulting on three CBGs subject to forfeiture, which places the company's base forfeiture at \$9,000.00.⁴⁰⁰ Pierce Pepin's assigned CBGs in default subject to forfeiture amounted to \$17,034.00, thereby capping the maximum possible forfeiture at \$2,555.10, which is 15% of Pierce Pepin's defaulted support subject to forfeiture in Auction 904.⁴⁰¹ Because the \$9,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$2,555.10 against Pierce Pepin is appropriate here.⁴⁰²

46. QCOL, Inc. (QCOL); FRN: 0019663095; File No.: EB-IHD-22-00033880; NAL/Acct No.: 202232080057. QCOL is a Pennsylvania company that offers high speed internet, TV and

³⁸⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, at para. 115.

³⁹⁰ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11670, Attach. A: Bids in Default (describing the total amount of Palmetto's won support that is in default for the identified bids).

³⁹¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³⁹² Pierce Pepin, *Home*, <https://piercepepin.coop/> (last visited May 2, 2022).

³⁹³ See SwiftCurrent Connect, *About Us*, <https://swiftcurrent.coop/about-us> (last visited May 2, 2022).

³⁹⁴ See RECC Short-Form Filing, at Attach. 2, p. 56.

³⁹⁵ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

³⁹⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default.

³⁹⁷ *Id.* at 11651, n.1.

³⁹⁸ Letter from Todd B. Lantor, Counsel to Pierce Pepin Cooperative Services, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 1, 2021).

³⁹⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default.

⁴⁰⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁰¹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default (describing the total amount of Pierce Pepin's won support that is in default for the identified bids).

⁴⁰² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

streaming options, and VoIP services.⁴⁰³ QCOL timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁰⁴ On March 23, 2021, QCOL notified the Commission of its intent to default on three of its CBGs subject to forfeiture in Pennsylvania.⁴⁰⁵ WCB declared QCOL to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴⁰⁶ The Commission finds that QCOL apparently committed three violations by defaulting on three CBGs subject to forfeiture, which places the company's base forfeiture at \$9,000.00.⁴⁰⁷ QCOL's CBGs in default subject to forfeiture amounted to \$231,322.00, thereby capping the maximum possible forfeiture at \$34,698.30, which is 15% of QCOL's defaulted support subject to forfeiture in Auction 904.⁴⁰⁸ Because the \$9,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$9,000.00 against QCOL is appropriate here.⁴⁰⁹

47. Redzone Wireless, LLC (Redzone); FRN: 0026369231; File No.: EB-IHD-22-00033881; NAL/Acct No.: 202232080058. Redzone is located in Rockland, Maine and provides wireless broadband services to Maine communities and businesses.⁴¹⁰ Redzone timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴¹¹ On May 20, 2021, Redzone notified the Commission of its intent to default on one CBG subject to forfeiture in Maine.⁴¹² WCB declared Redzone to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴¹³ The Commission finds that Redzone apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁴¹⁴ Redzone's CBG in default subject to forfeiture amounted to \$63,216.80, thereby capping the maximum possible forfeiture at \$9,482.52, which is 15% of Redzone's defaulted support subject to forfeiture in Auction 904.⁴¹⁵ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$3,000.00 against Redzone is appropriate here.⁴¹⁶

48. RiverStreet Communications of North Carolina, Inc. (RiverStreet North Carolina);

⁴⁰³ QCOL, *Home*, <https://qcol.secureserversites.net/> (last visited May 3, 2022).

⁴⁰⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13923, Attach. A: Winning Bidder Summary.

⁴⁰⁵ E-mail from Doug Friend, QCOL, Inc., to Ian Forbes, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Mar. 23, 2021, 12:10 EDT).

⁴⁰⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default.

⁴⁰⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁰⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default (describing the total amount of QCOL's won support that is in default for the identified bids).

⁴⁰⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴¹⁰ Redzone, *About Us*, <https://www.redzonewireless.com/company> (last visited June 1, 2022).

⁴¹¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13923, Attach. A: Winning Bidder Summary.

⁴¹² E-mail from Stephen E. Coran, Counsel to Redzone Wireless, LLC, to Auction904@fcc.gov, Federal Communications Commission (May 20, 2021, 14:21 EDT).

⁴¹³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default.

⁴¹⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴¹⁵ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default (describing the total amount of Redzone's won support that is in default for the identified bid).

⁴¹⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

FRN: 0025165895; File No.: EB-IHD-22-00033882; NAL/Acct No.: 202232080059. RiverStreet North Carolina provides voice, broadband, and entertainment services,⁴¹⁷ and is an extension of Wilkes Telephone Membership Corporation (Wilkes),⁴¹⁸ a North Carolina cooperative headquartered in Wilkesboro, North Carolina.⁴¹⁹ Wilkes timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴²⁰ In turn, Wilkes assigned RiverStreet North Carolina 10 CBGs.⁴²¹ On January 29, 2021, RiverStreet North Carolina notified the Commission of its intent to default on five of its assigned CBGs subject to forfeiture.⁴²² WCB declared RiverStreet North Carolina to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴²³ The Commission finds that RiverStreet North Carolina apparently committed five violations by defaulting on five CBGs, which places the company's base forfeiture at \$15,000.00.⁴²⁴ RiverStreet North Carolina's assigned CBGs in default subject to forfeiture amounted to \$42,313.80, thereby capping the maximum possible forfeiture at \$6,347.07, which is 15% of RiverStreet North Carolina's defaulted support subject to forfeiture in Auction 904.⁴²⁵ Because the \$15,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$6,347.07 against RiverStreet North Carolina is appropriate here.⁴²⁶

49. RiverStreet Communications of Virginia, Inc. (RiverStreet Virginia);

FRN: 0025165903; File No.: EB-IHD-22-00033883; NAL/Acct No.: 202232080060. RiverStreet Virginia provides voice, broadband, and entertainment services,⁴²⁷ and is an extension of Wilkes,⁴²⁸ a North Carolina cooperative headquartered in Wilkesboro, North Carolina.⁴²⁹ Wilkes timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴³⁰ In turn, Wilkes assigned RiverStreet Virginia 136 CBGs.⁴³¹ On January 29, 2021, RiverStreet Virginia notified the

⁴¹⁷ RiverStreet Networks, *About Us*, <https://www.wilkes.net/contact-us/?t=r> (last visited Apr. 28, 2022).

⁴¹⁸ *Id.*

⁴¹⁹ Wilkes, *Contact Us*, <https://www.wilkes.net/contact-us/?t=r> (last visited Apr. 28, 2022).

⁴²⁰ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13930, Attach. A: Winning Bidder Summary.

⁴²¹ *417 Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁴²² E-mail from Lans Chase, Consultant for Eric Cramer, President and Chief Executive Officer of RiverStreet Communications of North Carolina, Inc., to Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Jan. 29, 2021, 11:53 EDT).

⁴²³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default.

⁴²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴²⁵ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11671, Attach. A: Bids in Default (describing the total amount of RiverStreet North Carolina's won support that is in default for the identified bids).

⁴²⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴²⁷ RiverStreet Networks, *About Us*, <https://www.wilkes.net/contact-us/?t=r> (last visited Apr. 28, 2022).

⁴²⁸ *Id.*

⁴²⁹ Wilkes, *Contact Us*, <https://www.wilkes.net/contact-us/?t=r> (last visited Apr. 28, 2022).

⁴³⁰ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13930, Attach. A: Winning Bidder Summary.

⁴³¹ *417 Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

Commission of its intent to default on 39 of its assigned CBGs subject to forfeiture.⁴³² WCB declared RiverStreet Virginia to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴³³ The Commission finds that RiverStreet Virginia apparently committed 39 violations by defaulting on 39 of its assigned CBGs subject to forfeiture, which places the company's base forfeiture at \$117,000.00.⁴³⁴ RiverStreet Virginia's assigned CBGs in default subject to forfeiture amounted to \$3,365,125.50, thereby capping the maximum possible forfeiture at \$504,768.82, which is 15% of RiverStreet Virginia's defaulted support subject to forfeiture in Auction 904.⁴³⁵ Because the \$117,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$117,000.00 against RiverStreet Virginia is appropriate here.⁴³⁶

50. The Seimitsu Corporation (Seimitsu); FRN: 0017360827; File No.: EB-IHD-22-00033884; NAL/Acct No.: 202232080061. Seimitsu is a corporation located in Savannah, Georgia.⁴³⁷ Seimitsu provides internet on a fiber network and telecommunications service.⁴³⁸ Seimitsu was a member of NexTier.⁴³⁹ NexTier timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁴⁰ In turn, NexTier assigned Seimitsu 31 of its CBGs.⁴⁴¹ On January 21, 2022, Seimitsu notified the Commission of its intent to default on all of its assigned CBGs, of which 27 are subject to forfeiture.⁴⁴² WCB declared Seimitsu to be in default on January 28, 2022, and referred the matter to EB for enforcement action.⁴⁴³ The Commission finds that Seimitsu apparently committed 27 violations by defaulting on all of its assigned CBGs, of which 27 CBGs are subject to forfeiture, which places the company's base forfeiture at \$81,000.00.⁴⁴⁴ Seimitsu's assigned CBGs in default subject to forfeiture amounted to \$125,191.90, thereby capping the maximum possible forfeiture at \$18,778.78, which is 15% of Seimitsu's defaulted support subject to forfeiture in Auction 904.⁴⁴⁵ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission

⁴³² E-mail from Lans Chase, Consultant for Eric Cramer, President and Chief Executive Officer for RiverStreet Communications of Virginia, Inc., to Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Jan. 29, 2021, 11:53 EDT).

⁴³³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11671-72, Attach. A: Bids in Default.

⁴³⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴³⁵ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11671-72, Attach. A: Bids in Default (describing the total amount of RiverStreet Virginia's won support that is in default for the identified bids).

⁴³⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴³⁷ Seimitsu, *Internet and Voice*, <https://www.seimitsu.com/fiber-internet-and-voice> (last visited Apr. 28, 2022).

⁴³⁸ *Id.*

⁴³⁹ *See* NexTier Short-Form Filing.

⁴⁴⁰ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

⁴⁴¹ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results/> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁴⁴² E-mail from Steve Coran, Counsel to The Seimitsu Corporation, to Auction904@fcc.gov, Federal Communications Commission (Jan. 21, 2021, 16:05 EDT).

⁴⁴³ *January 2022 Default Public Notice*, Attach. B: Bids in Default.

⁴⁴⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁴⁵ *See id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Seimitsu's won support that is in default for the identified bids).

finds that the forfeiture amount of \$18,778.78 against Seimitsu is appropriate here.⁴⁴⁶

51. Shelby Fiber, LLC (Shelby Fiber); FRN: 0029734407; File No.: EB-IHD-22-00033885; NAL/Acct No.: 202232080062. Shelby Fiber is a wholly owned member of Shelby Electric Cooperative, Inc. and is located in Shelbyville, Illinois.⁴⁴⁷ Shelby Fiber was a member of RECC.⁴⁴⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁴⁹ In turn, RECC assigned Shelby Fiber one CBG in Illinois.⁴⁵⁰ Shelby Fiber failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.⁴⁵¹ On January 29, 2021, Shelby Fiber notified the Commission of its intent to default on its one assigned CBG subject to forfeiture in Illinois.⁴⁵² WCB declared Shelby Fiber to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴⁵³ The Commission finds that Shelby Fiber apparently committed one violation by defaulting on one assigned CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁴⁵⁴ Shelby Fiber's assigned CBG in default subject to forfeiture amounted to \$12,408.00, thereby capping the maximum possible forfeiture at \$1,861.20, which is 15% of Shelby Fiber's defaulted support subject to forfeiture in Auction 904.⁴⁵⁵ Because the \$3,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$1,861.20 against Shelby Fiber is appropriate here.⁴⁵⁶

52. Snake River Solutions, LLC (Snake River); FRN: 0025433442; File No.: EB-IHD-22-00033886; NAL/Acct No.: 202232080063. Snake River is a limited liability company formed in Wyoming.⁴⁵⁷ Snake River was a member of NexTier.⁴⁵⁸ NexTier timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁵⁹ In turn, NexTier assigned Snake River four CBGs.⁴⁶⁰ On April 2, 2021, Snake River notified the Commission of its intent to default on

⁴⁴⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁴⁷ See RECC Short-Form Filing, at Attach. 2, pp. 63-64.

⁴⁴⁸ *Id.*

⁴⁴⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁴⁵⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11672, Attach. A: Bids in Default.

⁴⁵¹ *Id.* at 11651, n.1.

⁴⁵² Letter from Todd B. Lantor, Counsel to Shelby Fiber, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

⁴⁵³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11672, Attach. A: Bids in Default.

⁴⁵⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁵⁵ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11672, Attach. A: Bids in Default (describing the total amount of Shelby Fiber's won support that is in default for the identified bids).

⁴⁵⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁵⁷ See NexTier Short-Form Filing.

⁴⁵⁸ *Id.*

⁴⁵⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

⁴⁶⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 8, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

two of its assigned CBGs subject to forfeiture in Oregon.⁴⁶¹ WCB declared Snake River to be in default on July 26, 2021, and referred the matter to EB for enforcement action.⁴⁶² The Commission finds that Snake River apparently committed two violations by defaulting on two assigned CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁴⁶³ Snake River's assigned CBGs in default subject to forfeiture amounted to \$141,983.50, thereby capping the maximum possible forfeiture at \$21,297.52, which is 15% of Snake River's defaulted support subject to forfeiture in Auction 904.⁴⁶⁴ Because the \$6,000.00 base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$6,000.00 is appropriate here.⁴⁶⁵

53. Southwest Arkansas Telecommunications & Technology, Inc. d/b/a Four States Fiber (Southwest Arkansas); FRN: 0029663226; File No.: EB-IHD-22-00033888; NAL/Acct No.: 202232080064. Southwest Arkansas is a member of the Southwest Arkansas Electric Cooperative located in Texarkana, Arkansas.⁴⁶⁶ Southwest Arkansas offers residential and business options for internet and phone.⁴⁶⁷ Southwest Arkansas was a member of RECC.⁴⁶⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁶⁹ In turn, RECC assigned Southwest Arkansas 93 CBGs.⁴⁷⁰ On January 25, 2021, Southwest Arkansas notified the Commission of its intent to default on one of its assigned CBGs subject to forfeiture.⁴⁷¹ WCB declared Southwest Arkansas to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴⁷² The Commission finds that Southwest Arkansas apparently committed one violation by defaulting on one of its assigned CBGs subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁴⁷³ Southwest Arkansas' assigned CBG in default subject to forfeiture amounted to \$165,929.00, thereby capping the maximum possible forfeiture at \$24,899.35, which is 15% of Southwest Arkansas' defaulted support subject to forfeiture in Auction 904.⁴⁷⁴ Because the \$3,000.00 base forfeiture is less than the 15%

⁴⁶¹ Letter from Kameron Blomquist, Managing Member, Snake River Solutions, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Apr. 2, 2021).

⁴⁶² *July 2021 Default Public Notice*, 36 FCC Rcd at 11672, Attach. A: Bids in Default.

⁴⁶³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁶⁴ *See id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11672, Attach. A: Bids in Default (describing the total amount of Snake River's won support that is in default for the identified bids).

⁴⁶⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁶⁶ *See* Four States Fiber, *Contact*, <https://www.fourstatesfiber.com/contact/> (last visited May 2, 2022).

⁴⁶⁷ *See* Four States Fiber, *Home*, <https://www.fourstatesfiber.com/> (last visited on May 2, 2022).

⁴⁶⁸ *See* RECC Short-Form Filing, at Attach. 2, pp. 68-69.

⁴⁶⁹ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁴⁷⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 10, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁴⁷¹ Letter from Southwest Arkansas Telecommunications & Technology, Inc., to Federal Communications Commission (Jan. 25, 2021).

⁴⁷² *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default.

⁴⁷³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁷⁴ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default (describing the total amount of Southwest Arkansas' won support that is in default for the identified bids).

cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$3,000.00 against Southwest Arkansas is appropriate here.⁴⁷⁵

54. **South Central Power, Inc.**⁴⁷⁶ (**South Central Power**); **FRN: 0027611383; File No.: EB-IHD-22-00033887; NAL/Acct No.: 202232080065**. South Central Power is an Ohio cooperative headquartered in Lancaster, Ohio.⁴⁷⁷ South Central Power was a member of RECC.⁴⁷⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁷⁹ In turn, RECC assigned South Central Power 21 of its CBGs.⁴⁸⁰ South Central Power failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.⁴⁸¹ On January 29, 2021, South Central Power notified the Commission of its intent to default on all of its assigned CBGs.⁴⁸² WCB declared South Central Power to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴⁸³ The Commission finds that South Central Power apparently committed 20 violations by defaulting on 21 CBGs, of which 20 CBGs are subject to forfeiture, which places the company's base forfeiture at \$60,000.00.⁴⁸⁴ South Central Power's assigned CBGs in default subject to forfeiture amounted to \$870,351.50, thereby capping the maximum possible forfeiture at \$130,552,72.00, which is 15% of South Central Power's defaulted support subject to forfeiture in Auction 904.⁴⁸⁵ Because the \$60,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$60,000.00 against South Central Power is appropriate here.⁴⁸⁶

55. **Steuben County Rural Electric Membership Corporation, Inc. (Steuben County)**; **FRN: 0005273305; File No.: EB-IHD-22-00033889; NAL/Acct No.: 202232080066**. Steuben County is an Indiana energy cooperative located in Angola, Indiana.⁴⁸⁷ Steuben County offers broadband internet

⁴⁷⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁷⁶ On April 12, 2022, the entity identified as South Central Power, Inc., notified the Commission that the correct entity name was South Central Power Company. E-mail from Todd B. Lantor, Counsel to South Central Power, to Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Apr. 12, 2022, 17:07 EDT).

⁴⁷⁷ South Central Power Co., *About Us*, <https://www.southcentralpower.com/electrical-services/> (last visited Apr. 28, 2022).

⁴⁷⁸ See RECC Short-Form Filing, at Attach. 2, pp. 65-66.

⁴⁷⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁴⁸⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11672-73, Attach. A: Bids in Default.

⁴⁸¹ *Id.* at 11651, n.1.

⁴⁸² Letter from Todd B. Lantor, Counsel to South Central Power, Co., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

⁴⁸³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11672-73, Attach. A: Bids in Default.

⁴⁸⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁸⁵ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11672-73, Attach. A: Bids in Default (describing the total amount of South Central Power's won support that is in default for the identified bids).

⁴⁸⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁸⁷ Steuben County, *Home*, <https://www.remesteuben.com/> (last visited May 2, 2022).

options to residents and businesses.⁴⁸⁸ Steuben County was a member of RECC.⁴⁸⁹ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴⁹⁰ In turn, RECC assigned Steuben County five CBGs.⁴⁹¹ Steuben County failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.⁴⁹² On January 29, 2021, Steuben County notified the Commission of its intent to default its five assigned CBGs subject to forfeiture in Indiana.⁴⁹³ WCB declared Steuben County to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁴⁹⁴ The Commission finds that Steuben County apparently committed five violations by defaulting on five assigned CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.⁴⁹⁵ Steuben County's assigned CBGs in default subject to forfeiture amounted to \$179,552.70, thereby capping the maximum possible forfeiture at \$26,932.91, which is 15% of Steuben County's defaulted support subject to forfeiture in Auction 904.⁴⁹⁶ Because the \$15,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$15,000.00 against Steuben County is appropriate here.⁴⁹⁷

56. Talkie Communications, Inc. (Talkie Communications); FRN: 0024272841; File No.: EB-IHD-22-00033890; NAL/Acct No.: 202232080067. Talkie Communications is a corporation located in Chestertown, Maryland.⁴⁹⁸ Talkie Communications offers a 100% fiber optic network in rural Kent County, Maryland.⁴⁹⁹ Talkie Communications timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁰⁰ On November 4, 2021, Talkie Communications notified the Commission of its intent to default on one CBG subject to forfeiture.⁵⁰¹ WCB declared Talkie Communications to be in default on January 28, 2022, and referred the company to EB for enforcement action.⁵⁰² The Commission finds that Talkie Communications apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁵⁰³ Talkie Communications' CBG subject to forfeiture amounted to \$121,710.00, thereby capping the

⁴⁸⁸ Steuben County, *Broadband Packages / Pricing*, <https://www.remcsteuben.com/packages-pricing> (last visited May 2, 2022).

⁴⁸⁹ See RECC Short-Form Filing, at Attach. 2, pp. 69-70.

⁴⁹⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁴⁹¹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default.

⁴⁹² *Id.* at 11651, n.1.

⁴⁹³ Letter from Todd B. Lantor, Counsel to Steuben County Rural Electric Membership Cooperation, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 29, 2021).

⁴⁹⁴ *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default.

⁴⁹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁹⁶ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default (describing the total amount of Steuben County's won support that is in default for the identified bids).

⁴⁹⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁹⁸ Talkie Communications, *About Us*, <https://talkiefiber.com/> (last visited Apr. 28, 2022).

⁴⁹⁹ Talkie Communications, *Talkie Fiber*, <https://talkiefiber.com/> (last visited Apr. 28, 2022).

⁵⁰⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13929, Attach. A: Winning Bidder Summary.

⁵⁰¹ Letter from Philip J. Macres, Counsel to Talkie Communications, Inc., to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (Nov. 4, 2021).

⁵⁰² *January 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁰³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

maximum possible forfeiture at \$18,256.50, which is 15% of Talkie Communications' defaulted support subject to forfeiture in Auction 904.⁵⁰⁴ Because the \$3,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$3,000.00 against Talkie Communications is appropriate here.⁵⁰⁵

57. Tennessee Valley Electric Cooperative (TVEC); FRN: 0029706207; File No.: EB-IHD-22-00033891; NAL/Acct No.: 202232080068. TVEC is an electric utility cooperative with headquarters in Savannah, Tennessee.⁵⁰⁶ TVEC was a member of RECC.⁵⁰⁷ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁰⁸ In turn, RECC assigned TVEC two of its CBGs.⁵⁰⁹ TVEC failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.⁵¹⁰ On February 1, 2021, TVEC notified the Commission of its intent to default on both of its CBGs.⁵¹¹ WCB declared TVEC to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁵¹² The Commission finds that TVEC committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁵¹³ TVEC's assigned CBGs in default subject to forfeiture amounted to \$215,862.00, thereby capping the maximum possible forfeiture at \$32,379.30, which is 15% of TVEC's defaulted support subject to forfeiture in Auction 904.⁵¹⁴ Because the \$6,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$6,000.00 against TVEC is appropriate here.⁵¹⁵

58. Time Warner Cable Information Services (California), LLC (TWC California); FRN: 0011752953; File No.: EB-IHD-22-00033892; NAL/Acct No.: 202232080069. TWC California is a limited liability company formed in Delaware and a subsidiary of Charter.⁵¹⁶ Charter participated in Auction 904 through another subsidiary called CCO.⁵¹⁷ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵¹⁸ In turn, CCO assigned to TWC

⁵⁰⁴ See *id.* at 736, para. 117 (establishing a 15% cap of forfeitures). *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Talkie Communications' won support that is in default for the identified bids).

⁵⁰⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁰⁶ TVEC, *About Your TVEC*, <https://www.tvec.com/about.html> (last visited Apr. 28, 2022).

⁵⁰⁷ See RECC Short-Form Filing, at Attach. 2, p. 70.

⁵⁰⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁵⁰⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default.

⁵¹⁰ *Id.* at 11651, n.1.

⁵¹¹ Letter from Todd B. Lantor, Counsel to Tennessee Valley Electric Cooperative, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 1, 2021).

⁵¹² *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default.

⁵¹³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵¹⁴ See *id.* at 736, para. 117 (establishing a 15% cap of forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default (describing the total amount of TVEC's won support that is in default for the identified bids).

⁵¹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵¹⁶ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵¹⁷ *Id.*

⁵¹⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

California, 15 of its CBGs.⁵¹⁹ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including eight of TWC California's assigned CBGs subject to forfeiture.⁵²⁰ WCB declared TWC California to be in default on January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.⁵²¹ The Commission finds that TWC California apparently committed eight violations by defaulting on eight CBGs subject to forfeiture, which places the company's base forfeiture at \$24,000.00.⁵²² TWC California's CBGs in default subject to forfeiture amounted to \$29,854.20, thereby capping the maximum possible forfeiture at \$4,478.13, which is 15% of TWC California's defaulted support subject to forfeiture in Auction 904.⁵²³ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$4,478.13 against TWC California is appropriate here.⁵²⁴

59. Time Warner Cable Information Services (Indiana), LLC (TWC Indiana); FRN: 0012538229; File No.: EB-IHD-22-00033893; NAL/Acct No.: 202232080070. TWC Indiana is a limited liability company formed in Delaware and a subsidiary of Charter.⁵²⁵ Charter participated in Auction 904 through another subsidiary called CCO.⁵²⁶ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵²⁷ In turn, CCO assigned TWC Indiana 320 of its CBGs.⁵²⁸ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including 92 of TWC Indiana's assigned CBGs subject to forfeiture.⁵²⁹ WCB declared TWC Indiana to be in default on July 26, 2021, January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.⁵³⁰ The Commission finds that TWC Indiana apparently committed 92 violations by defaulting on 92 CBGs subject to forfeiture, which places the company's base forfeiture at \$276,000.00.⁵³¹ TWC Indiana's assigned CBGs in default subject to forfeiture amounted to \$10,703,926.70, thereby capping the maximum possible forfeiture at

⁵¹⁹ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵²⁰ See, e.g., *Charter Summary Default E-mail*.

⁵²¹ *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵²² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵²³ See *id.* at 736, para. 117 (establishing a 15% on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11673, Attach. A: Bids in Default (describing the total amount of TWC California's won support that is in default for the identified bids).

⁵²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵²⁵ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵²⁶ *Id.*

⁵²⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵²⁸ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵²⁹ See, e.g., *Charter Summary Default E-mail*.

⁵³⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11673-77, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵³¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

\$1,605,589.00, which is 15% of TWC Indiana's defaulted support subject to forfeiture in Auction 904.⁵³² Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$276,000.00 against TWC Indiana is appropriate here.⁵³³

60. Time Warner Cable Information Services (Kentucky), LLC (TWC Kentucky); FRN: 0014766604; File No.: EB-IHD-22-00033894; NAL/Acct No.: 202232080071. TWC Kentucky is a limited liability company formed in Delaware and a subsidiary of Charter.⁵³⁴ Charter participated in Auction 904 through another subsidiary called CCO.⁵³⁵ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵³⁶ In turn, CCO assigned TWC Kentucky 185 of its CBGs.⁵³⁷ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including 11 of TWC Kentucky's assigned CBGs subject to forfeiture.⁵³⁸ WCB declared TWC Kentucky to be in default on July 26, 2021; January 28, 2022; and March 10, 2022, and referred the company to EB for enforcement action.⁵³⁹ The Commission finds that TWC Kentucky apparently committed 11 violations by defaulting on the 11 CBGs subject to forfeiture, which places the company's base forfeiture at \$33,000.00.⁵⁴⁰ TWC Kentucky's assigned CBGs in default subject to forfeiture amounted to \$887,878.60, thereby capping the maximum possible forfeiture at \$133,181.79, which is 15% of TWC Kentucky's defaulted support subject to forfeiture in Auction 904.⁵⁴¹ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$33,000.00 against TWC Kentucky is appropriate here.⁵⁴²

61. Time Warner Cable Information Services (Massachusetts), LLC (TWC Massachusetts); FRN: 0013182712; File No.: EB-IHD-22-00033895; NAL/Acct No.: 202232080072. TWC Massachusetts is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁴³ Charter

⁵³² See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11673-77, Attach. A: Bids in Default (describing the total amount of TWC Indiana's won support that is in default for the identified bids).

⁵³³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵³⁴ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵³⁵ *Id.*

⁵³⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵³⁷ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵³⁸ See, e.g., *Charter Summary Default E-mail*.

⁵³⁹ *July 2021 Default Public Notice*, 36 FCC Rcd at 11677-78, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁴⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁴¹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11677-78, Attach. A: Bids in Default (describing the total amount of TWC Kentucky's won support that is in default for the identified bids).

⁵⁴² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁴³ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

participated in Auction 904 through another subsidiary called CCO.⁵⁴⁴ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁴⁵ In turn, CCO assigned TWC Massachusetts 42 of its CBGs.⁵⁴⁶ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including 33 of TWC Massachusetts' assigned CBGs subject to forfeiture.⁵⁴⁷ WCB declared TWC Massachusetts to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁵⁴⁸ The Commission finds that TWC Massachusetts apparently committed 33 violations by defaulting on 33 CBGs subject to forfeiture, which places the company's base forfeiture at \$99,000.00.⁵⁴⁹ TWC Massachusetts' assigned CBGs in default subject to forfeiture amounted to \$12,564,766.40, thereby capping the maximum possible forfeiture at \$1,884,714.96, which is 15% of TWC Massachusetts' defaulted support subject to forfeiture in Auction 904.⁵⁵⁰ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$99,000.00 against TWC Massachusetts is appropriate here.⁵⁵¹

62. Time Warner Cable Information Services (New Hampshire), LLC (TWC New Hampshire); FRN: 0012220422; File No.: EB-IHD-22-00033896; NAL/Acct No.: 202232080073. TWC New Hampshire is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁵² Charter participated in Auction 904 through another subsidiary called CCO.⁵⁵³ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁵⁴ In turn, CCO assigned TWC New Hampshire seven of its CBGs.⁵⁵⁵ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including two of TWC New Hampshire's assigned CBGs subject to forfeiture.⁵⁵⁶ WCB declared TWC New Hampshire to be in default on March 10, 2022, and referred the company to EB for enforcement action.⁵⁵⁷ The Commission finds that TWC New Hampshire apparently committed two violations by defaulting on two CBGs subject

⁵⁴⁴ *Id.*

⁵⁴⁵ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁴⁶ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁴⁷ See, e.g., *Charter Summary Default E-mail*.

⁵⁴⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11678-79, Attach. A: Bids in Default.

⁵⁴⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁵⁰ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11678-79, Attach. A: Bids in Default (describing the total amount of TWC Massachusetts' won support that is in default for the identified bids).

⁵⁵¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁵² United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁵³ *Id.*

⁵⁵⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁵⁵ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁵⁶ See, e.g., *Charter Summary Default E-mail*.

⁵⁵⁷ *March 2022 Default Public Notice*, Attach. B: Bids in Default.

to forfeiture, which places the company's base forfeiture at \$6,000.00.⁵⁵⁸ TWC New Hampshire's assigned CBGs in default subject to forfeiture amounted to \$776,215.60, thereby capping the maximum possible forfeiture at \$116,432.34, which is 15% of TWC New Hampshire's defaulted support subject to forfeiture in Auction 904.⁵⁵⁹ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$6,000.00 against TWC New Hampshire is appropriate here.⁵⁶⁰

63. Time Warner Cable Information Services (North Carolina), LLC (TWC North Carolina); FRN: 0010669430; File No.: EB-IHD-22-00033897; NAL/Acct No.: 202232080074. TWC North Carolina is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁶¹ Charter participated in Auction 904 through another subsidiary called CCO.⁵⁶² CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁶³ In turn, CCO assigned TWC North Carolina 716 of its CBGs.⁵⁶⁴ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including seven of TWC North Carolina's assigned CBGs subject to forfeiture.⁵⁶⁵ WCB declared TWC North Carolina to be in default on July 26, 2021; January 28, 2022; and March 10, 2022, and referred the company to EB for enforcement action.⁵⁶⁶ The Commission finds that TWC North Carolina apparently committed seven violations by defaulting on seven CBGs subject to forfeiture, which places the company's base forfeiture at \$21,000.00.⁵⁶⁷ TWC North Carolina's assigned CBGs in default subject to forfeiture amounted to \$454,019.80, thereby capping the maximum possible forfeiture at \$68,102.97, which is 15% of TWC North Carolina's defaulted support subject to forfeiture in Auction 904.⁵⁶⁸ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$21,000.00 against TWC North Carolina is appropriate here.⁵⁶⁹

64. Time Warner Cable Information Services (Ohio), LLC (TWC Ohio); FRN: 0011753092; File No.: EB-IHD-22-00033898; NAL/Acct No.: 202232080075. TWC Ohio is a limited liability

⁵⁵⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁵⁹ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of TWC New Hampshire's won support that is in default for the identified bids).

⁵⁶⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁶¹ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁶² *Id.*

⁵⁶³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁶⁴ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁶⁵ See, e.g., *Charter Summary Default E-mail*.

⁵⁶⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11679, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁶⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁶⁸ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of TWC North Carolina's won support that is in default for the identified bids).

⁵⁶⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

company formed in Delaware and a subsidiary of Charter.⁵⁷⁰ Charter participated in Auction 904 through another subsidiary called CCO.⁵⁷¹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁷² In turn, CCO assigned TWC Ohio 621 of its CBGs.⁵⁷³ In a series of e-mails, Charter notified the Commission on behalf its subsidiaries of its intent to default on CBGs, including 11 of TWC Ohio's assigned CBGs subject to forfeiture.⁵⁷⁴ WCB declared TWC Ohio to be in default on January 28, 2022, and March 10, 2022, and referred the company to EB for enforcement action.⁵⁷⁵ The Commission finds that TWC Ohio apparently committed 11 violations by defaulting on 11 CBGs subject to forfeiture, which places the company's base forfeiture at \$33,000.00.⁵⁷⁶ TWC Ohio's assigned CBGs in default subject to forfeiture amounted to \$119,845.00, thereby capping the maximum possible forfeiture at \$17,976.75, which is 15% of TWC Ohio's defaulted support subject to forfeiture in Auction 904.⁵⁷⁷ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$17,976.75 against TWC Ohio is appropriate here.⁵⁷⁸

65. Time Warner Cable Information Services (Pennsylvania), LLC (TWC Pennsylvania); FRN: 0013182803; File No.: EB-IHD-22-00033899; NAL/Acct No.: 202232080076. TWC Pennsylvania is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁷⁹ Charter participated in Auction 904 through another subsidiary called CCO.⁵⁸⁰ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁸¹ In turn, CCO assigned TWC Pennsylvania 35 of its CBGs.⁵⁸² In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including six of TWC Pennsylvania's assigned CBGs subject to forfeiture.⁵⁸³ WCB declared TWC Pennsylvania to be in default on March 10, 2022, and

⁵⁷⁰ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁷¹ *Id.*

⁵⁷² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁷³ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁷⁴ See, e.g., *Charter Summary Default E-mail*.

⁵⁷⁵ *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁷⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁷⁷ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117 (establishing a 15% cap on forfeitures). *January 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of TWC Ohio's won support that is in default for the identified bids).

⁵⁷⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁷⁹ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁸⁰ *Id.*

⁵⁸¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁸² Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁸³ See, e.g., *Charter Summary Default E-mail*.

referred the company to EB for enforcement action.⁵⁸⁴ The Commission finds that TWC Pennsylvania apparently committed six violations by defaulting on six CBGs subject to forfeiture, which places the company's base forfeiture at \$18,000.00.⁵⁸⁵ TWC Pennsylvania's assigned CBGs in default subject to forfeiture amounted to \$1,003,068.20, thereby capping the maximum possible forfeiture at \$150,460.23, which is 15% of TWC Pennsylvania's defaulted support subject to forfeiture in Auction 904.⁵⁸⁶ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$18,000.00 against TWC Pennsylvania is appropriate here.⁵⁸⁷

66. Time Warner Cable Information Services (South Carolina), LLC (TWC South Carolina); FRN: 0011010055; File No.: EB-IHD-22-00033900; NAL/Acct No.: 202232080077. TWC South Carolina is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁸⁸ Charter participated in Auction 904 through another subsidiary called CCO.⁵⁸⁹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁹⁰ In turn, CCO assigned TWC South Carolina 597 of its CBGs.⁵⁹¹ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including 92 of TWC South Carolina's winning CBGs subject to forfeiture.⁵⁹² WCB declared TWC South Carolina to be in default on July 26, 2021; January 28, 2022; and March 10, 2022, and referred the company to EB for enforcement action.⁵⁹³ The Commission finds that TWC South Carolina apparently committed 92 violations by defaulting on 92 CBGs subject to forfeiture, which places the company's base forfeiture at \$276,000.00.⁵⁹⁴ TWC South Carolina's assigned CBGs in default subject to forfeiture amounted to \$8,333,353.00, thereby capping the maximum possible forfeiture at \$1,250,002.95, which is 15% of TWC South Carolina's defaulted support subject to forfeiture in Auction 904.⁵⁹⁵ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$276,000.00 against TWC South Carolina is appropriate here.⁵⁹⁶

67. Time Warner Cable Information Services (Texas), LLC (TWC Texas);

⁵⁸⁴ *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁸⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁸⁶ *See id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *March 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of TWC Pennsylvania's won support that is in default for the identified bids).

⁵⁸⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁸⁸ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁸⁹ *Id.*

⁵⁹⁰ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁵⁹¹ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵⁹² *See, e.g., Charter Summary Default E-mail.*

⁵⁹³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11679-81, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁹⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁵⁹⁵ *See id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11679-81, Attach. A: Bids in Default (describing the total amount of TWC South Carolina's won support that is in default for the identified bids).

⁵⁹⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

FRN: 0010669562; File No.: EB-IHD-22-00033901; NAL/Acct No.: 202232080078. TWC Texas is a limited liability company formed in Delaware and a subsidiary of Charter.⁵⁹⁷ Charter participated in Auction 904 through another subsidiary called CCO.⁵⁹⁸ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵⁹⁹ In turn CCO assigned TWC Texas 605 of its CBGs.⁶⁰⁰ In a series of e-mails, Charter notified the Commission on behalf of its subsidiaries of its intent to default on CBGs, including 35 of TWC Texas' assigned CBGs subject to forfeiture.⁶⁰¹ WCB declared TWC Texas to be in default on July 26, 2021; January 28, 2022; and March 10, 2022, and referred the company to EB for enforcement action.⁶⁰² The Commission finds that TWC Texas apparently committed 35 violations by defaulting on 35 CBGs subject to forfeiture, which places the company's base forfeiture at \$105,000.00.⁶⁰³ TWC Texas' CBGs in default subject to forfeiture amounted to \$544,862.00, thereby capping the maximum possible forfeiture at \$81,729.30, which is 15% of TWC Texas' defaulted support subject to forfeiture in Auction 904.⁶⁰⁴ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*, the Commission finds the forfeiture amount of \$81,729.30 against TWC Texas is appropriate here.⁶⁰⁵

68. United Services, Inc. (United Services); FRN: 0016087876; File No.: EB-IHD-22-00033902; NAL/Acct No.: 202232080079. United Services is located in Missouri and is a subsidiary of United Electric.⁶⁰⁶ United Services provides DirecTV, United Sky, and Exede services in Missouri.⁶⁰⁷ United Services was a member of RECC.⁶⁰⁸ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁰⁹ In turn, RECC assigned United Services 45 CBGs.⁶¹⁰ On August 16, 2021, United Services notified the Commission of its intent to default on one of

⁵⁹⁷ United States Securities and Exchange Commission, *Form 10-K*, Exhibit 21-1, <https://ir.charter.com/static-files/63606f63-1b11-4d60-91a0-5395f1552592> (last visited May 2, 2022).

⁵⁹⁸ *Id.*

⁵⁹⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁶⁰⁰ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁶⁰¹ See, e.g., *Charter Summary Default E-mail*.

⁶⁰² *July 2021 Default Public Notice*, 36 FCC Rcd at 11681-83, Attach. A: Bids in Default; *January 2022 Default Public Notice*, Attach. B: Bids in Default; *March 2022 Default Public Notice*, Attach. B: Bids in Default.

⁶⁰³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶⁰⁴ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11681-83, Attach. A: Bids in Default (describing the total amount of TWC Texas' won support that is in default for the identified bids).

⁶⁰⁵ *Id.*

⁶⁰⁶ United Services, *Home*, <http://www.unitedwb.coop/index.html> (last visited Mar. 31, 2022).

⁶⁰⁷ *Id.*

⁶⁰⁸ See RECC Short-Form Filing, at Attach. 2, pp. 79-80.

⁶⁰⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁶¹⁰ *417 Long-Form Applicants Public Notice*, 36 FCC Rcd at 4140; Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited May 2, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

its assigned CBGs subject to forfeiture.⁶¹¹ WCB declared United Services to be in default on December 16, 2021, and referred the company to EB for enforcement action.⁶¹² The Commission finds that United Services apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁶¹³ United Services' assigned CBG in default subject to forfeiture amounted to \$10,363.80, thereby capping the maximum possible forfeiture at \$1,554.57, which is 15% of United Services' defaulted support subject to forfeiture in Auction 904.⁶¹⁴ Because the \$3,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$1,554.57 against United Services is appropriate here.⁶¹⁵

69. WC Fiber, LLC (WC Fiber); FRN: 0024824443; File No.: EB-IHD-22-00033903; NAL/Acct No.: 202232080080. WC Fiber is a South Carolina cooperative located in Abbeville, South Carolina.⁶¹⁶ WC Fiber offers high speed internet service, HD TV, voice, and business services in South Carolina and Georgia.⁶¹⁷ WC Fiber timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶¹⁸ On January 27, 2021, WC Fiber notified the Commission of its intent to default on all 20 of its CBGs, of which 18 CBGs are subject to forfeiture.⁶¹⁹ WCB declared WC Fiber to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁶²⁰ The Commission finds that WC Fiber apparently committed 18 violations by defaulting on 18 CBGs subject to forfeiture, which places the company's base forfeiture at \$54,000.00.⁶²¹ WC Fiber's CBGs in default subject to forfeiture amounted to \$72,352.00, thereby capping the maximum possible forfeiture at \$10,852.80, which is 15% of WC Fiber's defaulted support subject to forfeiture in Auction 904.⁶²² Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$10,852.80 against WC Fiber is appropriate here.⁶²³

70. Wilkes Telephone Membership Corporation (Wilkes); FRN: 0003718426; File No.: EB-

⁶¹¹ Letter from Todd B. Lantor, Counsel to United Services, Inc., to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (Aug. 16, 2021).

⁶¹² *December 2021 Default Public Notice*, Attach. B: Bids in Default.

⁶¹³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶¹⁴ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *December 2021 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of United Services' won support that is in default for the identified bids).

⁶¹⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶¹⁶ WC Fiber, Home, <https://www.wcfiber.net> (last visited Mar. 28, 2022).

⁶¹⁷ *Id.*

⁶¹⁸ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13930, Attach. A: Winning Bidder Summary.

⁶¹⁹ E-mail from Lans Chase, Consultant for Jeff Wilson, General Manager and Authorized Bidder for WC Fiber, LLC, to Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Jan. 27, 2021, 12:25 EDT).

⁶²⁰ *July 2021 Default Public Notice*, 36 FCC Rcd at 11683-84, Attach. A: Bids in Default.

⁶²¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶²² *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11683-84, Attach. A: Bids in Default (describing the total amount of WC Fiber's won support that is in default for the identified bids).

⁶²³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

IHD-22-00033904; NAL/Acct No.: 202232080081. Wilkes is a North Carolina cooperative headquartered in Wilkesboro, North Carolina.⁶²⁴ Wilkes currently operates a communications network that provides voice, broadband, and video services.⁶²⁵ Wilkes timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶²⁶ On January 29, 2021, Wilkes notified the Commission of its intent to default on two of its CBGs subject to forfeiture in North Carolina.⁶²⁷ WCB declared Wilkes to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁶²⁸ The Commission finds that Wilkes apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁶²⁹ Wilkes' CBGs in default subject to forfeiture amounted to \$273,502.50, thereby capping the maximum possible forfeiture at \$41,025.38, which is 15% of Wilkes' defaulted support subject to forfeiture in Auction 904.⁶³⁰ Because the \$6,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$6,000.00 against Wilkes is appropriate here.⁶³¹

71. Wood County Telephone Company d/b/a Solarus (Solarus); FRN: 0003744141; File No.: EB-IHD-22-00033905; NAL/Acct No.: 202232080082. Solarus is a Wisconsin company located in Wisconsin Rapids, Wisconsin.⁶³² Solarus provides residential and business options for internet, phone and TV.⁶³³ Solarus timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶³⁴ On January 26, 2021, Solarus notified the Commission of its intent to default on both of its CBGs subject to forfeiture in Wisconsin.⁶³⁵ WCB declared Solarus to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁶³⁶ The Commission finds that Solarus apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁶³⁷ Solarus' CBGs in default subject to forfeiture amounted to \$28,848.00, thereby capping the maximum possible forfeiture at \$4,327.20, which is 15% of Solarus'

⁶²⁴ Wilkes, *Contact Us*, <https://www.wilkes.net/contact-us/?t=r> (last visited Mar. 28, 2022).

⁶²⁵ Wilkes, *About Us*, <https://www.wilkes.net/about/?t=r> (last visited Mar. 28, 2022).

⁶²⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13930, Attach. A: Winning Bidder Summary.

⁶²⁷ E-mail from Lans Chase, Consultant for Eric Cramer, President and Authorized Bidder for Wilkes Telephone Membership Cooperative, LLC, to Heidi Lankau, Attorney Advisor, Telecommunications Access Policy Division, Federal Communications Commission (Jan. 29, 2021, 10:18 EDT).

⁶²⁸ *July 2021 Default Public Notice*, 36 FCC Rcd at 11684, Attach. A: Bids in Default.

⁶²⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶³⁰ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11684, Attach. A: Bids in Default (describing the total amount of Wilkes' won support that is in default for the identified bids).

⁶³¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶³² Solarus, *Contact Us*, <https://www.solarus.net/contact/> (last visited Mar. 29, 2022).

⁶³³ Solarus, *Home*, <https://www.solarus.net/> (last visited Mar. 29, 2022).

⁶³⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13933, Attach. A: Winning Bidder Summary.

⁶³⁵ Letter from Justin Huebner, General Manager and Chief Executive Officer, Wood County Telephone Company d/b/a Solarus, to Federal Communications Commission (Jan. 26, 2021).

⁶³⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default.

⁶³⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

defaulted support subject to forfeiture in Auction 904.⁶³⁸ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$4,327.20 against Solarus is appropriate here.⁶³⁹

72. Yazoo Valley Electric Power Association (Yazoo Valley); FRN: 0010288207; File No.: EB-IHD-22-00033906; NAL/Acct No.: 202232080083. Yazoo Valley is a rural electric power association serving parts of six counties in Mississippi.⁶⁴⁰ Yazoo Valley was a member of RECC.⁶⁴¹ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁴² In turn, RECC assigned Yazoo Valley five CBGs.⁶⁴³ Yazoo Valley failed to timely submit a Long-Form Application on or before the January 29, 2021, deadline.⁶⁴⁴ On February 1, 2021, Yazoo Valley notified the Commission of its intent to default on all five of its CBGs subject to forfeiture in Ohio.⁶⁴⁵ WCB declared Yazoo Valley to be in default on July 26, 2021, and referred the company to EB for enforcement action.⁶⁴⁶ The Commission finds that Yazoo Valley apparently committed five violations by defaulting on its five CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.⁶⁴⁷ Yazoo Valley's CBGs in default subject to forfeiture amounted to \$4,283,276.20, thereby capping the maximum possible forfeiture at \$642,491.43, which is 15% of Yazoo Valley's defaulted support subject to forfeiture in Auction 904.⁶⁴⁸ Because the \$15,000.00 base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$15,000.00 against Yazoo Valley is appropriate here.⁶⁴⁹

73. yondoo Broadband LLC (yondoo); FRN: 0027576503; File No.: EB-IHD-22-00033904907; NAL/Acct No.: 202232080084. yondoo provides internet, TV, and phone service on a 100% fiber optic network.⁶⁵⁰ yondoo timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁵¹ On March 17, 2021, yondoo notified the Commission of its intent to default on two of its CBGs subject to forfeiture in Missouri.⁶⁵² WCB declared yondoo to be in

⁶³⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default (describing the total amount of Solarus' won support that is in default for the identified bids).

⁶³⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶⁴⁰ Yazoo Valley, *Home*, <https://www.yazoovalley.com/> (last visited Mar. 29, 2022).

⁶⁴¹ See RECC Short-Form Filing, at Attach. 2, pp. 81-82.

⁶⁴² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁶⁴³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default.

⁶⁴⁴ *Id.* at 11651, n.1.

⁶⁴⁵ E-mail from Todd B. Lantor, Counsel to Yazoo Valley Electric Power Association, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 4, 2021, 19:51 EDT)

⁶⁴⁶ *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default.

⁶⁴⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶⁴⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default (describing the total amount of Yazoo Valley's won support that is in default for the identified bids).

⁶⁴⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶⁵⁰ yondoo Broadband, *Home*, <http://www.yondoobb.com/> (last visited Mar. 29, 2022).

⁶⁵¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13933, Attach. A: Winning Bidder Summary.

⁶⁵² E-mail from Mike Piasecki, Senior Vice President, Business Operations, yondoo Broadband LLC, to Auction904@fcc.gov, Federal Communications Commission (Mar. 17, 2021, 11:48 EDT).

default on July 26, 2021, and referred the company to EB for enforcement action.⁶⁵³ The Commission finds that yondoo apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁶⁵⁴ yondoo's CBGs in default subject to forfeiture amounted to \$33,619.00, thereby capping the maximum possible forfeiture at \$5,042.85, which is 15% of yondoo's defaulted subject to forfeiture in Auction 904.⁶⁵⁵ Because the \$6,000.00 base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*, the Commission finds that the forfeiture amount of \$5,042.85 against yondoo is appropriate here.⁶⁵⁶

⁶⁵³ *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default.

⁶⁵⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶⁵⁵ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *July 2021 Default Public Notice*, 36 FCC Rcd at 11685, Attach. A: Bids in Default (describing the total amount of yondoo's won support that is in default for the identified bids).

⁶⁵⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

APPENDIX B

74. **NexTier Consortium (NexTier); File No.: EB-IHD-22-00033908, and iZone Broadband LLC (iZone); iZone (FRN: 0026899971).** NexTier timely submitted its Short-Form Application to participate in Auction 904 as a consortium and was a successful bidder. NexTier then assigned four CBGs in Ohio to iZone. iZone did not file a Long-Form Application. As noted in the *Winning Bidders Public Notice* the *Auction 904 Procedures Public Notice*, winning bidders remain at risk for default if an assignee does not file a long-form application, and as explained in footnote 18 of the NAL, winning bidders in such situations are jointly and severally liable for the default.⁶⁵⁷ iZone did not file a Long-Form application. For the reasons discussed above and in Appendix A, the Commission finds that the forfeiture amount of \$12,000.00 against iZone and NexTier is appropriate here. Therefore, relying on the calculations above, the Commission finds that NexTier, and iZone apparently are jointly and severally liable for the forfeiture amount of \$12,000.00.

75. **Rural Electric Cooperative Consortium (RECC); File No.: EB-IHD-22-00033909.** The Rural Electric Cooperative Consortium (RECC) works “exclusively with electric cooperatives to build fiber networks” all across the nation. RECC timely submitted its Short-Form Application to participate in Auction 904 as a consortium and was a successful bidder. RECC then assigned its winning bids to numerous consortium members. As noted in the *Winning Bidders Public Notice* and the *Auction 904 Procedures Public Notice*, winning bidders remain at risk for default if an assignee does not file a Long-Form Application, and as explained in footnote 18 of the NAL, winning bidders in such situations are jointly and severally liable for the default.⁶⁵⁸ RECC consortium members identified below failed to file Long-Form Applications. For the reasons described in the Notice of Apparent Liability and in Appendix A, the Commission finds that the forfeiture amount of \$161,313.07 against RECC, and as itemized for the consortium members identified below is appropriate here. Therefore, relying on the calculations above, the Commission finds that RECC, and the consortium members identified below apparently are jointly and severally liable for the associated forfeiture amounts.

- a. **Consolidated Fiber, Inc. (Consolidated Fiber); FRN: 0027761279.** The Commission finds that the forfeiture amount of \$9,000.00 against Consolidated Fiber is appropriate, and that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$9,000.00.
- b. **Cooperative Connect, Inc. (Cooperative Connect); FRN: 0029757853.** The Commission finds that the forfeiture amount of \$12,000.00 against Cooperative Connect is appropriate, and that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$12,000.00.
- c. **Edisto Electric Cooperative, Inc. (Edisto); FRN: 0029709995.** The Commission finds that the forfeiture amount of \$9,000.00 against Edisto is appropriate, and that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$9,000.00.
- d. **Guernsey-Muskingum Electric Cooperative, Inc. (Guernsey); FRN: 0029716396.** The Commission finds that the forfeiture amount of \$3,738.60 against Guernsey is appropriate, and that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$3,738.60.
- e. **Licking Rural Electrification (Licking); FRN: 0023704042:** The Commission finds that the forfeiture amount of \$10,066.92 against Licking is appropriate, and that RECC apparently is

⁶⁵⁷ *Winning Bidders Public Notice*, 35 FCC Rcd at 13891, para. 14; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 293.

⁶⁵⁸ *Winning Bidders Public Notice*, 35 FCC Rcd at 13891, para. 14; *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6165, para. 293.

jointly and severally liable for the appropriate forfeiture amount of \$10,066.92.

- f. **Lynches River Communications, Inc. (Lynches) FRN: 0029688389.** The Commission finds that the forfeiture amount of \$12,000.00 against Lynches is appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$12,000.00.
- g. **Palmetto Link, LLC (Palmetto); FRN: 0029732948.** The Commission finds the forfeiture amount of \$5,091.25 against Palmetto to be appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$5,091.25.
- h. **Pierce Pepin Cooperative Services (Pierce Pepin); FRN: 0005235056.** The Commission finds the forfeiture amount of \$2,555.10 against Pierce Pepin to be appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$2,555.10.
- i. **Shelby Fiber, LLC (Shelby Fiber); FRN: 0029734407.** The Commission finds the forfeiture amount of \$1,861.20 against Shelby Fiber to be appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$1,861.20.
- j. **South Central Power, Inc. (South Central Power); FRN: 0027611383.** The Commission finds that the forfeiture amount of \$60,000.00 against South Central Power is appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$60,000.00.
- k. **Steuben County Rural Electric Membership Corporation, Inc. (Steuben County); FRN: 0005273305.** The Commission finds that the forfeiture amount of \$15,000.00 against Steuben County is appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$15,000.00.
- l. **Tennessee Valley Electric Cooperative (TVEC); FRN: 0029706207.** The Commission finds that the forfeiture amount of \$6,000.00 against TVEC is appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$6,000.00.
- m. **Yazoo Valley Electric Power Association (Yazoo Valley); FRN: 0010288207.** The Commission finds that the forfeiture amount of \$15,000.00 against Yazoo Valley is appropriate, and finds that RECC apparently is jointly and severally liable for the appropriate forfeiture amount of \$15,000.00.

APPENDIX C

[SPREADSHEET OF CBGS]

APPENDIX D

[SPREADSHEET OF ADDRESSES]

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *In the Matter of 73 Applicants for Rural Digital Opportunity Fund in Default*, Notice of Apparent Liability for Forfeiture.

In my statement in 2020, Approving in Part and Dissenting in Part, I cautioned that there “are no do-overs with this money and previous time,” and that the Commission must “hold auction winners accountable.”¹ I was worried that there were “warning signs that we should not ignore” regarding our track record of winners in CAF II defaulting and missing milestones.² And, given the size and scope of RDOF, the stakes were far greater.³ That brings us to today’s action. In this item, we adopt a Notice of Apparent Liability for 73 winning bidders in the RDOF auction that have since defaulted. I support the Commission’s efforts to hold them accountable, to the amount of \$4.3 million in fines. I fervently hope that these service areas, and the households in these communities, get connected through the other currently available broadband deployment programs, including the Broadband Equity Access and Deployment (BEAD) program.

¹ *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126 and 10-90, Report and Order, 35 FCC Rcd 686, Statement of Commissioner Geoffrey Starks (2020).

² *Id.*

³ *Id.*