

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Two 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: December 1, 2023

Released: December 5, 2023

By the Commission:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), the Federal Communications Commission (FCC or Commission) identifies two Rural Digital Opportunity Fund (RDOF) Phase I Auction (Auction 904) applicants that defaulted on their bids for support on August 10, 2022, and May 23, 2023, in apparent violation of the Commission’s rules.1 In light of the applicants’ defaults spanning 7,482 Census Block Groups (CBGs), this NAL proposes forfeitures for each of the two Auction 904 defaulters. The proposed forfeitures assessed here total \$22,446,000. As detailed below, each of these applicants defaulted on its respective bids for support 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, that waiver 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

1 This NAL is limited to Auction 904 defaults as determined by the Commission on August 10, 2022, and May 23, 2023. See Rural Digital Opportunity Fund Support for 80 Winning Bids Ready to be Authorized; Bid Defaults Announced, AU Docket No. 20-34 et al., Public Notice, DA 22-848, 22 WL 3339591, at *Attach. B: Bids in Default (WCB/OEA Aug. 10, 2022) (August 10, 2022 Default Public Notice); Rural Digital Opportunity Fund Support Bid Defaults Announced; Wavelength LLC’s Petition for Waiver of the June 7, 2021 Eligible Telecomms. Carrier Documentation Deadline Denied, AU Docket No. 20-34 et al., Public Notice, DA 23-434, 23 WL 3686087, at *Attach. A: Bids in Default (WCB/OEA May 23, 2023) (May 23, 2023 Default Public Notice).

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 id. at 735, para. 114.

II. BACKGROUND

2. The Commission conducted competitive bidding for Auction 904 between 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 10 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 funds⁶ 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 an 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 required winning bidders or their assignees to file an 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, which were 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 904 included nearly 787,000 eligible census blocks located in nearly 62,000 CBGs.¹⁵ WCB and

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 *id.* at 6079, 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*, *supra* note 2, 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.* at 6088, para. 30.

¹² *Id.* at 6082, para. 27.

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, 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 Notice, 35 FCC Rcd 11283, 11283-87 (WCB/OEA 2020) (*Eligible Census Block List Public Notice*) (referencing lists and map available at <https://www.fcc.gov/auction/904>).

¹⁵ See Fed. Comm'n's Comm'n, *Auction 904: Rural Digital Opportunity Fund*, <https://www.fcc.gov/auction/904> (lists and map available at this webpage).

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, geographically spanning 99.7 percent of the eligible CBGs, who won approximately \$9.23 billion in support over a 10-year period.¹⁷ Winning bidders or their assignees were required to file a Long-Form Application, which the Commission reviewed 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 All long-form applicants also had to submit additional information to their Long-Form Applications by certain deadlines. For example, by June 7, 2021, a long-form applicant was required to submit with its Long-Form Application certain documentation demonstrating that it had been designated as an eligible telecommunications carrier (ETC) in each of the geographic areas for which it sought to be authorized for Auction 904 support.²²

6. Commission staff conducted an in-depth review of timely submitted Long-Form Applications for both completeness and compliance with the Commission’s rules and to determine whether an applicant was financially and technically qualified for support.²³ If Commission staff decided after reviewing a Long-Form Application that it needed more information to make such a determination, they would notify the long-form applicant that additional information was required.²⁴ If a long-form applicant was found ineligible or unqualified to receive support, the applicant would be announced as in default and subject to forfeiture.²⁵

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, 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 13889, para. 7; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6163-64, paras. 286-87. If a winning bidder assigns some or all of its winning bids to a related entity, 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 *Rural Digital Opportunity Fund Default Bid Defaults Announced*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 11651, 11651, n.1 (WCB/OEA July 26, 2021) (identifying assignees that did not file a long-form application).

¹⁹ See *Winning Bidders Public Notice*, *supra* note 13, at 13891, para. 15.

²⁰ See *id.* at 13888, para. 2.

²¹ See *Auction 904 Procedures Public Notice*, *supra* note 4, at 6165, para. 293.

²² 47 CFR § 54.804(b)(5); *Winning Bidders Public Notice*, *supra* note 13, at 13894. Only eligible telecommunications carriers designated pursuant to 47 U.S.C. § 214(e) “shall be eligible to receive specific Federal universal service support.” 47 U.S.C. § 254(e).

²³ See *Rural Digital Opportunity Fund Order*, *supra* note 2, at 725, para. 86; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6112, para. 97 (technical requirements); *Winning Bidders Public Notice*, *supra* note 13, at 13895, para. 18.

²⁴ See *Winning Bidders Public Notice*, *supra* note 13, at 13895, para. 18; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6168, para. 303; 47 CFR § 54.804(b)(2)(viii) (requiring long-form applicants to submit “[s]uch additional information as the Commission may require”).

²⁵ See *Rural Digital Opportunity Fund Order*, *supra* note 2, at 735, para. 114; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6116, 6178, paras. 108, 321; *Winning Bidders Public Notice*, *supra* note 13, at 13895, para. 18.

7. 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 universal service funds, in most cases because such areas may already be served by 25/3 Mbps broadband service.²⁶

8. 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 the RBATF and OEA, found good cause to waive the forfeiture penalties that would otherwise be associated with the default on the specific census blocks that were identified in the letter, *i.e.*, “letter-identified census blocks.”²⁷ The July 26, 2021 letter identified only urban census blocks as areas of concern.²⁸ Certain non-urban census blocks appeared similar to Commission staff. WCB, in conjunction with the RBATF and OEA, also found good cause to waive the forfeiture penalties for these specific census blocks.²⁹ For simplicity, we refer to these census blocks and the letter-identified census blocks collectively as “waiver census blocks.”

9. 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 904.³⁰ 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 (Bureau) on August 10, 2022, and May 23, 2023.³¹ Appendix B, below, identifies the specific CBGs in default that are subject to forfeiture and the attendant assigned USF support. Appendix C below, identifies mailing addresses for the entities.

III. DISCUSSION

10. The Commission established 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

²⁶ See Fed. Commc’ns Comm’n, *Letters to Long-Form Applicants about Identified Census Blocks*, <https://www.fcc.gov/auction/904> (last visited Oct. 11, 2023) (providing letters under “Releases” tab and “Letters” sub-tab) (*Identified Census Block Letter*).

²⁷ *Rural Digital Opportunity Fund Support Authorized for 2,008 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 17198, 17206 (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 17203-05.

²⁸ *Identified Census Block Letter* at 1, n.4.

²⁹ *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 4897, at 5, n.38 (WCB/OEA Apr. 15, 2022) (*Eighth Auction 904 Authorization Public Notice*).

³⁰ 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. See *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, 37 FCC Rcd 5748, 5755 n.51 (WCB/OEA May 3, 2022).

³¹ See *August 10, 2022 Default Public Notice*, *supra* note 1, at *Attach. B: Bids in Default; *May 23, 2023 Default Public Notice*, *supra* note 1, at *2 & Attach. A.

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 904.³²

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

11. A long-form applicant that is found ineligible or unqualified to receive support, or fails to meet a document submission deadline, has defaulted 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 904.³³ 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.³⁴ 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.³⁵ 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.³⁶

12. Under section 503(b)(1)(B) 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.³⁷ 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.³⁸ 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.³⁹

13. The Commission's *Forfeiture Policy Statement*⁴⁰ 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

³² *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 321.

³³ 47 CFR § 1.21004(a); *Rural Digital Opportunity Fund Order*, *supra* note 2, at 735, para. 114; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 321.

³⁴ 47 CFR § 1.21004(a), (b) (2020) (para. (b) has since been redesignated as para. (c)); *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 321.

³⁵ *Rural Digital Opportunity Fund Order*, *supra* note 2, at 735, para. 114 & n.314.

³⁶ *Id.* at 735-36, paras. 115, 117; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 322.

³⁷ See 47 U.S.C. § 503(b)(1)(B); 47 CFR § 1.80(a)(2).

³⁸ See 47 U.S.C. § 503(b)(4); 47 CFR § 1.80(g).

³⁹ See, e.g., *SBC Commc'ns, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002) (forfeiture paid).

⁴⁰ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17100-01, para. 27 (1997), *recons. denied* 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*); see also 47 CFR § 1.80(b)(11).

justice may require.”⁴¹ 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.”⁴²

14. A monetary forfeiture is warranted against each entity listed in Appendix A for apparently willful violations of section 1.21004(a) of the Commission’s rules and the procedures established for Auction 904.⁴³ 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*.⁴⁴ Additionally, each applicant was cautioned to craft its plans carefully to meet all auction requirements and to prepare for any complications that could occur.⁴⁵ In considering these factors, as well as the requirement under section 1.21004 of the Commission’s rules 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 Appendix A for apparently willful violations of section 1.21004(a) of the Commission’s rules and the procedures established for Auction 904.

15. 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.⁴⁶ 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.⁴⁷ 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 percent of the bidder’s total assigned support for the CBGs in which it is defaulting.⁴⁸ The Commission regarded 15 percent of the total bid amount as not unduly punitive, while providing sufficient incentive for auction participants to inform themselves of the obligations associated with participation in the auction.⁴⁹ This constituted an

⁴¹ 47 U.S.C. § 503(b)(2)(E); *see also* 47 CFR § 1.80(b)(11); *Forfeiture Policy Statement*, 12 FCC Rcd at 17100-01, para. 27.

⁴² 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. 51 (1982), and the Commission has so interpreted the term in the section 503(b) context. *See, e.g., S. Cal. Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88, para. 5 (1991).

⁴³ 47 CFR § 1.21004; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 321.

⁴⁴ *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 321.

⁴⁵ *See, e.g., id.* at 6125-27, paras. 128-134.

⁴⁶ *Rural Digital Opportunity Fund Order*, *supra* note 2, at 735-36, para. 115. In other words, there is a separate violation for each CBG assigned in a bid. *Id.*; *see also Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 322.

⁴⁷ *See Rural Digital Opportunity Fund Order*, *supra* note 2, at 736, para. 115, n.317 (citing *Connect America Fund; ETC Annual Reports and Certifications; Rural Broadband Experiments*, WC Docket No. 10-90 et al., Report & Order & Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6000, para. 143 (2016)).

⁴⁸ *Id.* at 736, para. 117. A disproportionate forfeiture 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 percent of \$100,000) because otherwise the base forfeiture would be \$300,000, which represents \$3,000 for each of the 100 CBGs. 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 multiplied by 50 CBGs), which is 15 percent of the total bid. *See id.* at 736, para. 117 & n.322.

⁴⁹ *Id.* at 736, para. 117.

increase from the five percent 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.⁵⁰

16. WCB's decision, in coordination with the RBATF and OEA, to waive forfeiture penalties for defaulting on the waiver census blocks has the following effect on the calculation of the total base forfeiture.⁵¹ 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.⁵² 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.⁵³ However, when calculating the 15 percent 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 percent is then applied to the non-waiver defaulted support, subject to forfeiture, associated with all CBGs subject to forfeiture, to calculate the 15 percent cap.

17. This item proposes a cumulative forfeiture of \$22,446,000 apportioned amongst the two defaulting Auction 904 applicants listed in Appendix A, which explains in specific detail the proposed forfeiture amount for 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*, neither of the proposed forfeitures exceeds 15 percent of the bidder's total bid amount for CBGs subject to forfeiture.⁵⁴

18. Finally, after considering all the circumstances presented in the instant case, we conclude that a departure from the base forfeiture is not warranted for either of the Auction 904 applicants identified in Appendix A. 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 percent cap on base forfeitures as discussed above.⁵⁵ However, on balance, we find that there are no factors present in the instant case that justify a departure from the established base forfeiture for either of the defaulters identified in Appendix A. Accordingly, we find the proposed forfeiture amounts listed in Appendix A are appropriate here.

IV. ORDERING CLAUSES

19. **ACCORDINGLY, IT IS ORDERED**, pursuant to section 503(b) of the Communications Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, that all entities identified in Appendix A are hereby **NOTIFIED** of their **APPARENT LIABILITY FOR FORFEITURE** in the amount specified in Appendix A for their willful violations of section 1.21004(a) of the Commission's rules, 47 CFR § 1.21004(a), and the orders specifically prescribing

⁵⁰ *Id.* at 736, paras. 116-17.

⁵¹ See Fourth Auction 904 Authorization Public Notice, *supra* note 27, at 17206; Eighth Auction 904 Authorization Public Notice, *supra* note 29, at 5, n.38.

⁵² See *Fourth Auction 904 Authorization Public Notice*, *supra* note 27, at 17203-05 (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).

⁵³ See *id.* at 17206 (granting a waiver of forfeiture penalties only for "the specific census blocks that we identified in our [July 26, 2021] letter").

⁵⁴ See *Rural Digital Opportunity Fund Order*, *supra* note 2, at 736, para. 117; *Auction 904 Procedures Public Notice*, *supra* note 4, at 6178, para. 322.

⁵⁵ See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(11), note 2 to paragraph (b)(11); *Rural Digital Opportunity Fund Order*, *supra* note 2, at 736, paras. 115.

procedures for Auction 904 (the *Rural Digital Opportunity Fund Order* and the *Auction 904 Procedures Public Notice*).

20. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, 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.

21. In order for each defaulter to pay the proposed forfeiture, it shall notify Patrick McGrath at Patrick.McGrath@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and Pam Slipakoff at Pam.Slipakoff@fcc.gov of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, each defaulter shall send electronic notification of payment to the Enforcement Bureau of the Federal Communications Commission at EnforcementBureauHD@fcc.gov, Patrick McGrath at Patrick.McGrath@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@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 credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer 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:⁵⁶

- 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 159⁵⁷ or printed CORES form⁵⁸ 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).⁵⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- 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 to 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.

⁵⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁵⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁵⁸ 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>.

⁵⁹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- 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 to 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.

22. 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. 20554.⁶⁰ 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.

23. 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 or unsworn declarations under penalty of perjury pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.⁶¹ The written statement must be mailed to Patrick McGrath, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 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, Patrick McGrath at Patrick.McGrath@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and Pam Slipakoff at Pam.Slipakoff@fcc.gov. Until further notice, the Commission will not accept any hand or messenger delivered filings.

24. 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. 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) support that result.⁶²

⁶⁰ See 47 CFR § 1.1914.

⁶¹ *Id.* §§ 1.16, 1.80(g)(3).

⁶² See, e.g., *Ocean Adrian Hinson*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington & Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, 778-79, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido & Veronise Sido*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-23 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Commc’ns, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc. & Broadband Ventures Six, LLC*, Forfeiture Order, 29 FCC Rcd 8648, 8660-61, para. 25 (2014).

25. **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 C below.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

As described below, each bidder was affirmatively defaulted by the Commission for its inability to fulfill the requirements of Auction 904 and therefore, is in apparent violation 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. **Etheric Communications LLC (Etheric); FRN: 0013358395; File No.: EB-IHD-23-00035840; NAL/Acct No.: 202432080005.** Etheric is a wholly-owned subsidiary of Etheric Networks Incorporated, which provides custom broadband services through a combination of fixed wireless and fiber technologies to residential and business customers across 10 counties in the San Francisco Bay Area.² Etheric timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³ WCB declared Etheric to be in default on May 23, 2023, and referred the company to the Bureau for enforcement action,⁴ after WCB denied Etheric's petition for reconsideration of the Bureau's decision to dismiss as moot and alternatively, denied Etheric's petition seeking waiver of the deadline for demonstrating, with appropriate documentation, that it had been designated as an eligible telecommunications carrier in each of the geographic areas for which it sought to be authorized for Auction 904 support.⁵ The Commission finds that Etheric apparently committed 244 violations by defaulting on 244 CBGs subject to forfeiture, which places the company's base forfeiture at \$732,000.⁶ Etheric's total assigned support for the CBGs in default subject to forfeiture amounted to \$218,641,793.80, thereby capping the maximum possible forfeiture at \$32,796,269.07, which is 15 percent of Etheric's defaulted support subject to forfeiture in Auction 904.⁷ Because the base forfeiture is

¹ 47 CFR § 1.21004(a); *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126 and 10-90, Report and Order, 35 FCC Rcd 686, 735, paras. 114-115 (2020) (*Rural Digital Opportunity Fund Order*); *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, 6178, paras. 321-22 (2020) (*Auction 904 Procedures Public Notice*).

² Etheric Networks, *Company, About Etheric*, <https://ethericnetworks.com/about-etheric-networks> (last visited Jul. 5, 2023).

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., 35 FCC Rcd 13888, 13914 (WCB/OEA 2020) (*Winning Bidders Public Notice*).

⁴ *Rural Digital Opportunity Fund Support Bid Defaults Announced; Wavelength LLC's Petition for Waiver of the June 7, 2021 Eligible Telecomms. Carrier Documentation Deadline Denied*, AU Docket No. 20-34 et al., Public Notice, DA 23-434, 23 WL 3686087, at *1-2 & Attach. A. (WCB/OEA May 23, 2023) (*May 23, 2023 Default Public Notice*).

⁵ *See May 23, 2023 Default Public Notice*, at *1 n.6; *Rural Digital Opportunity Fund Auction (Auction 904); Rural Digital Opportunity Fund*, AU Docket No. 20-34 et al., Order on Reconsideration, DA 23-430, 2023 WL 3685855, at *1, para. 1 (WCB May 23, 2023); *Rural Digital Opportunity Fund Support Authorized for 1,764 Winning Bids; Etheric Commc'ns LLC's Petition for Waiver of the June 7, 2021 Eligible Telecomms. Carrier Documentation Deadline Denied*, AU Docket No. 20-34 et al., Public Notice, DA 23-33, 2023 WL 195695, at *1 & n.1 (WCB/OEA Jan. 13, 2023) (dismissing as moot and alternatively denying Etheric's petition for waiver of ETC deadline); *see also* 47 CFR § 54.804(b)(5) (requiring a long-form applicant to certify that it is an eligible telecommunications carrier and submit the relevant documentation supporting that certification by the deadline).

⁶ *See Rural Digital Opportunity Fund Order*, *supra* note 1, at 735-36, para. 115 (establishing a \$3,000 base forfeiture per violation); *see also* Appendix B (listing CBGs assigned to Etheric that are in default).

⁷ *See id.* at 736, para. 117 (establishing the 15 percent cap on forfeitures); *see also May 23, 2023 Default Public Notice*, *supra* note 5, at Attach. A (describing the total amount of Etheric's won support that is in default for the identified CBGs).

less than the 15 percent cap established in the *Rural Digital Opportunity Fund Order*,⁸ the Commission finds that the forfeiture amount of \$732,000 against Etheric is appropriate here.

2. **LTD Broadband LLC (LTD); FRN: 0020926788; File No.: EB-IHD-23-00035839; NAL/Acct No.: 202432080004.** LTD is a broadband service provider operating in the Midwest United States.⁹ LTD timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁰ WCB declared LTD to be in default on August 10, 2022, and referred the company to EB for enforcement action.¹¹

3. LTD's application was lacking in a number of ways. First, LTD failed to provide proof of Eligible Telecommunications Carrier (ETC) designation, a requirement to receive universal service funds, in three of the states in which it had winning bids.¹² Second, LTD did not show that it had available funds for all project costs that exceed the amount of support to be received for the first two years of its support term.¹³ In particular, WCB determined that LTD would not be able to meet the initial prerequisites of a new term sheet for a loan and equity fundraising round submitted with its final financial plan. Third, LTD did not, as required, differentiate between anticipated project costs and related funding for each of the areas for which LTD was seeking support, nor did LTD explain why its apparent assumption that all deployment costs are equal across all of its winning bids states and rural regions within each state might be reasonable.¹⁴ Fourth, a number of the cost assumptions on which LTD based its deployment costs were unrealistic, raising concerns that the overall determination of deployment costs was too low. Fifth, LTD did not provide evidence that it could cover the necessary debt service payments over the life of its loans. Sixth, LTD failed to provide specific and localized project designs; instead, LTD applied an unrealistic one-size-fits-all approach for the vast areas where it would be required to deploy last-mile fiber to every serviceable location and the supporting middle-mile and core infrastructures. LTD's technical submissions reflect a lack of understanding of how significantly their business needs to scale up to achieve equipment purchases, hiring, construction, deployment, maintenance, operations, and customer service for the sizeable network of LTD's remaining winning bids. For these reasons and "based on the totality of the long-form [application], the expansive service areas reflected in [its] winning bids, and [its] inadequate responses to the Bureau's follow-up questions," WCB concluded that LTD was "not reasonably capable of complying with the Commission's requirements."¹⁵

4. Accordingly, the Commission finds that LTD apparently committed 7,238 violations by defaulting on 7,238 CBGs subject to forfeiture, which places the company's base forfeiture at \$21,714,000.¹⁶ LTD's total assigned support for the CBGs in default subject to forfeiture amounted to

⁸ *Rural Digital Opportunity Fund Order*, *supra* note 1, at 736, para. 117.

⁹ LTD, *About Us*, <https://ltdbroadband.com/about> (last visited Oct. 11, 2023). LTD Broadband is now known as GigFire.

¹⁰ See *Rural Digital Opportunity Fund Phase I Auction Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34 et al., 35 FCC Rcd 13888, 13917-18, Attach. A: Winning Bidder Summary (WCB/OEA 2020).

¹¹ See *Rural Digital Opportunity Fund Auction Support for 80 Winning Bids Ready to Be Authorized, Bid Defaults Announced*, Public Notice, DA 22-848, 2022 WL 3339591, at *9 (WCB/OEA Aug. 10, 2022) (*Aug. 10, 2022 Authorization and Default Public Notice*).

¹² 47 U.S.C. § 254(e) ("[O]nly an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal universal service support.").

¹³ 47 CFR § 54.804(b)(2)(v); *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6098-99, 6174-75, paras. 64, 312.

¹⁴ 47 CFR § 54.804(b)(2)(vi), *Auction 904 Procedures Public Notice*, 35 FCC Rcd at 6174-75, para. 312.

¹⁵ *Aug. 10, 2022 Authorization and Default Public Notice* at 9.

¹⁶ *Rural Digital Opportunity Fund Order*, *supra* note 1, at 735-36, para. 115.

\$1,130,106,773.40, thereby capping the maximum possible forfeiture at \$169,516,016.01, which is 15 percent of LTD's defaulted support subject to forfeiture in Auction 904.¹⁷ Because the base forfeiture is less than the 15 percent cap established in the *Rural Digital Opportunity Fund Order*,¹⁸ the Commission finds that the forfeiture amount of \$21,714,000 against LTD is appropriate here.

5. Additionally, we propose to hold GigFire LLC (GigFire) jointly and severally liable for the total amount of LTD's forfeiture. LTD and GigFire, a new entity that apparently was recently created by the owner of LTD, appear to share so many operational traits that they share a substantial identity and, as such, we propose to hold them jointly and severally liable for the auction default violations. When analyzing two companies "the factors that enter into a determination of alter ego status are substantial identity of management, business purpose, operation, equipment, customers, supervision and ownership between the old entity and its successor."¹⁹

6. Holding GigFire jointly and severally liable is appropriate here because the same individual—Mr. Corey Hauer—appears to control both LTD and GigFire. In the long-form application LTD submitted to be authorized for RDOF support (FCC Form 683), Mr. Hauer, as CEO, certified on behalf of LTD that he fully owned the entity.²⁰ Mr. Hauer is presently the CEO of GigFire according to its website,²¹ though we do not know whether Mr. Hauer is the sole owner of this entity as well. According to the Nevada Secretary of State's website, Mr. Hauer is the sole manager of LTD and the sole managing member of GigFire.²² Both companies list only one corporate officer—Mr. Hauer.²³ Further, according to the Illinois Secretary of State's website, both companies have the same principal address in Las Vegas.²⁴

7. Further, we have evidence suggesting that Mr. Hauer has transferred most of LTD's assets to GigFire. According to an article dated March 22, 2023, Mr. Hauer stated in an interview that

¹⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures); see also *August 10, 2022 Default Public Notice*, *supra* note 11, at 9, Attach. B: Bids in Default (describing the total amount of LTD's won support that is in default for the identified CBGs).

¹⁸ *Rural Digital Opportunity Fund Order*, *supra* note 1, at 736, para. 117.

¹⁹ *Fugazy Continental Corp. v. NLRB*, 725 F.2d 1416, 1419 (D.C. Cir. 1984); see also *Flynn v. R.C. Tile*, 353 F.3d 953, 958-60 (D.C. Cir. 2004) (adopting an alter ego test for purposes of determining liability for a successor company); *Greater Kansas City Laborers Pension Fund v. Superior Gen. Contractors, Inc.*, 104 F.3d 1050, 1055 (8th Cir. 1997) (articulating an alter ego test); *Flynn v. Ohio Bldg. Restoration, Inc.*, 317 F. Supp. 2d 22, 28 (D.D.C. 2004) ("While 'the alter ego doctrine is primarily applied to situations involving successor companies, where the successor is merely a disguised continuance of the old employer, . . . it also applies to situations where the companies are parallel operations.'" (quoting *Massachusetts Carpenters Central Collection Agency v. Belmont Concrete*, 139 F.3d 304, 307 (1st Cir. 1998)); *In the Matter of Gregory Robbins; Interstate Brokers of Am. LLC; Nat'l Health Agents LLC*, Notice of Apparent Liability for Forfeiture, 37 FCC Rcd 2591, 2603-04, paras. 35-37 (2022) (finding that the two companies were alter egos after applying the test in *Fugazy*).

²⁰ This is consistent with LTD's short-form application to participate in the auction (FCC Form 183). See <https://auctionfiling.fcc.gov/form175/search175/index.htm> (search Auction 904 and LTD). There, Mr. Hauer was named as the sole authorized bidder for LTD, even though an applicant could name up to three persons. See *id.*

²¹ GigFire, About, <https://gigfire.com/leadership.html#senior-management>. (last visited Nov. 3, 2023).

²² See <https://esos.nv.gov/EntitySearch/OnlineEntitySearch> (Nevada Sec'y of State Business Entity Search – compare search results for "LTD Broadband LLC" and "GigFire LLC") (last visited Nov. 3, 2023).

²³ *Id.*

²⁴ See <https://apps.ilsos.gov/businessentitysearch/businessentitysearch> (Illinois Sec'y of State Business Entity Search – compare search results for "LTD Broadband LLC" and "GigFire LLC") (last visited Nov. 3, 2023).

most of LTD's assets—outside of those in Minnesota, Iowa, and Illinois—will be transferred to GigFire.²⁵ This transfer appears to have occurred as LTD's website states, "LTD Broadband has become GigFire!" and viewers are automatically redirected to a website at GigFire.com.²⁶ The Nevada Secretary of State's website identifies the formation date for GigFire as February 25, 2023.²⁷ The website also shows LTD's entity status as, "Default,"²⁸ which means that the company "did not file an Initial or Annual List of Officers/State Business License by the due date."²⁹

8. To the extent that LTD continues to exist and in fact has retained assets, LTD and GigFire are not easily distinguishable as they apparently share the same owner, manager, business purpose (i.e., broadband services), and address. Notably, GigFire was apparently created only *after* penalties were proposed for LTD's conduct during the RDOF Phase I auction³⁰ and after penalties were proposed for LTD's default on its winning bids in that same auction.³¹ Therefore, it appears that Mr. Hauer created GigFire to carry on the work of LTD (using LTD's former assets), rather than for a distinct business purpose. This raises the possibility that GigFire may have been founded for the purpose of evading liability for LTD's actions.

9. Accordingly, out of an abundance of caution, we find that LTD and GigFire are apparently alter egos for purposes of liability and thus jointly and severally liable for the proposed penalty.

²⁵ See Diana Goovaerts, "LTD Broadband – now GigFire – puts RDOF on a shelf, targets 1M new passings," Fierce Telecom (Mar. 22, 2023), <https://www.fiercetelecom.com/broadband/ltd-broadband-now-gigfire-puts-rdof-shelf-targets-1m-new-passings>.

²⁶ LTD Broadband, LTD Has Become GigiFire <https://ltdbroadband.com/>. (last visited Nov. 3, 2023).

²⁷ See <https://esos.nv.gov/EntitySearch/BusinessInformation> (Nevada Sec'y of State Business Entity Search – search result for "GigFire LLC") (last visited Nov. 3, 2023).

²⁸ See *id.*

²⁹ See <https://www.nvsilverflume.gov/questions?q=179> (last visited Nov. 3, 2023).

³⁰ See *LTD Broadband LLC*, Notice of Apparent Liability for Forfeiture, 37 FCC Rcd 5736 (EB 2022).

³¹ See *Applicants for Rural Digital Opportunity Fund in Default*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 9009 (2022).

APPENDIX B
[SPREADSHEET OF CBGS]

APPENDIX C
[SPREADSHEET OF ADDRESSES]