

APPENDIX A

The apparent violations identified in this Appendix generally arise from the applicant submitting a Long-Form Application but subsequently withdrawing 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. **AB Indiana, LLC (AB Indiana); FRN: 0021994686; File No.: EB-IHD-23-00034737; NAL/Acct No.: 202332080009.** AB Indiana is a fixed wireless broadband provider headquartered in Hunt Valley, Maryland.² AB Indiana timely submitted its Short-Form Application to participate in Auction 904³ and was a successful bidder.⁴ WCB declared AB Indiana to be in default on August 10, 2022, and referred the company to EB for enforcement action, after AB Indiana failed to timely complete its Long-Form Application when it failed to submit appropriate documentation verifying its eligible telecommunications carrier designation in each of the geographic areas for which it sought to be authorized for Auction 904 support.⁵ The Commission finds that AB Indiana apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base default forfeiture at \$3,000.00.⁶ The Commission further finds that AB Indiana apparently committed a separate violation when it failed to file audited financial paperwork with WCB during the Long-Form Application process, which subjects AB Indiana to an additional \$50,000.00 base forfeiture.⁷ AB Indiana's total

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 See Maryland Secretary of State, *Business Entity Search: AB Indiana, LLC*, <https://egov.maryland.gov/businessexpress/entitysearch> (last visited Nov. 16, 2022).

³ See AB Indiana, Auction 904 FCC Form 175 Application, File No. 0009148967 (filed July 14, 2020); https://auctionfiling.fcc.gov/form175/search175/detail_ownership_frb.htm?searchLevel=B&application_id=12169028&file_num=0009148967&version=2&PStart=1&auction_id=904&all_ind=N&FrbId=191292.

⁴ 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, Attach. A: Winning Bidder Summary (WCB/OEA 2020) (*Winning Bidders Public Notice*).

⁵ 47 CFR § 54.804(b)(5); *August 10, 2022 Default Public Notice*, at 8, n.63 & Attach. B: Bids in Default.

⁶ See *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 *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 722-23, para. 80. On June 4, 2021, AB Indiana requested a waiver of the requirement to file audited financial statements by June 7, 2021. AB Indiana Request for Waiver (filed June 4, 2021) (AB Indiana Petition). WCB dismissed that request as moot on July 26, 2021. See *Rural Digital Opportunity Fund (Auction 904); Rural Digital Opportunity Fund*, AU Docket No. 20-34 et al., Order, 36 FCC Rcd 11564, 11564 n.1 (WCB 2021). In light of the proposed forfeiture, we no longer consider the request to be moot and now deny the requested waiver. Generally, the Commission's rules may be waived for good cause shown. 47 CFR § 1.3. Waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest. See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), cert. denied, 93 S. Ct. 461 (1972)). AB Indiana provided no explanation for its delay in obtaining audited financial statements, and thus has presented no special circumstances warranting a waiver. See AB Indiana Petition at 1 (noting only that it was "requesting an extension to provide audited financials," and that it had "engaged [its] Certified Public Accountant and hope[d] to provide such documents in a timely [manner].") Compare *Rural Digital Opportunity Fund Support for 2,072 Winning Bids Ready to Be Authorized; Bid Defaults Announced*, AU Docket No. 20-34 et al., Public Notice, DA 22-911, at 5-6 (WCB Aug. 31, 2022) (finding good

(continued...)

assigned support for the CBG in default subject to forfeiture amounted to \$614,532.50, thereby capping the maximum possible default forfeiture at \$92,179.88, which is 15% of AB Indiana's defaulted support subject to forfeiture in Auction 904.⁸ The \$3,000.00 base default forfeiture is below the 15% cap established in the *Rural Digital Opportunity Fund Order*.⁹ Combining the audited financials forfeiture of \$50,000.00 with the \$3,000.00 default forfeiture, the Commission finds that the total forfeiture of \$53,000.00 against AB Indiana is appropriate here.

2. **Cable One VoIP, LLC (Cable One); FRN: 0024177222; File No.: EB-IHD-23-00034738; NAL/Acct No.: 202332080022.** Cable One is an interconnected VoIP provider located in Phoenix, Arizona.¹⁰ Cable One is owned by Cable One, Inc., which was a member of the Wisper-CABO 904 Consortium (Wisper-CABO).¹¹ Wisper-CABO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹² In turn, Wisper-CABO assigned 153 CBGs to Cable One.¹³ On August 16 and August 24, 2021, Cable One notified the Commission of its intent to default on 113 CBGs subject to forfeiture.¹⁴ WCB declared Cable One to be in default on May 3, 2022, and referred the company to EB for enforcement action.¹⁵ The Commission finds that Cable One apparently committed 113 violations by defaulting on 113 CBGs subject to forfeiture, which places the company's base forfeiture at \$339,000.00.¹⁶ Cable One's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$308,580.20, thereby capping the maximum possible forfeiture at \$46,287.03, which is 15% of Cable One's defaulted support subject to forfeiture in Auction 904.¹⁷ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁸ the Commission finds that the forfeiture amount of \$46,287.03 against Cable One is appropriate here.

cause to waive the audited financial statements deadline where the applicant "faced unforeseeable, pandemic-created obstacles in hiring staff that were qualified to help complete the audit").

⁸ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117 (establishing the 15% cap on forfeitures). *August 10, 2022 Default Public Notice*, at 8, n.63, Attach. B: Bids in Default (describing the total amount of AB Indiana's won support that is in default for the identified CBGs).

⁹ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁰ See Arizona Corporation Commission, *Entity Search: Cable One VoIP, LLC*, <https://ecorp.azcc.gov/BusinessSearch/BusinessInfo?entityNumber=R19740953> (last visited Nov. 16, 2022).

¹¹ See Wisper-CABO 904 Consortium, Auction 904 FCC Form 175 Application, File No. 0009149272 (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.

¹² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13932-33, Attach. A: Winning Bidder Summary.

¹³ See *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁴ See E-mail from Patrick Caron, General Counsel, Cable One, Inc. to Auction904@fcc.gov, Federal Communications Commission (Aug. 16, 2021, 18:35 EDT); E-mail from Patrick Caron, General Counsel, Cable One, Inc. to Auction904@fcc.gov, Federal Communications Commission (Aug. 24, 2021, 13:28 EDT); CableOne VoIP LLC Petition for a Waiver, AU Docket No. 20-34 et al. (filed Aug. 24, 2021); CableOne VoIP LLC Amended Petition for Waiver, AU Docket No. 20-34 et al. (filed May 11, 2022).

¹⁵ See *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹⁶ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Cable One's won support that is in default for the identified CBGs).

¹⁸ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

3. **Cal.net, Inc. (Cal.net); FRN: 0020855656; File No.: EB-IHD-23-00034739; NAL/Acct No.: 202332080005.** Cal.net, located in Shingle Springs, CA, offers broadband internet options for rural and urban communities.¹⁹ Cal.net timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁰ WCB declared Cal.net to be in default on October 12, 2022, and referred the company to EB for enforcement action, after Cal.net missed 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.²¹ The Commission finds that Cal.net apparently committed 180 violations by defaulting on 180 CBGs subject to forfeiture, which places the company's base forfeiture at \$540,000.00.²² Cal.net's total assigned support for the CBGs in default subject to forfeiture amounted to \$27,174,275.40, thereby capping the maximum possible forfeiture at \$4,076,141.13, which is 15% of Cal.net's defaulted support subject to forfeiture in Auction 904.²³ Because the base forfeiture does not exceed the 15% cap established by the *Rural Digital Opportunity Fund Order*,²⁴ the Commission finds the forfeiture amount of \$540,000.00 against Cal.net is appropriate here.

4. **California Internet, L.P. dba GeoLinks (California Internet); FRN: 0023707953; File No.: EB-IHD-23-00034740; NAL/Acct No.: 202332080006.** California Internet is a competitive local exchange carrier (CLEC) and fiber internet provider headquartered in Camarillo, CA.²⁵ California Internet timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.²⁶ WCB declared California Internet to be in default on October 12, 2022, and referred the company to EB for enforcement action, after California Internet missed 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.²⁷ The Commission finds that California Internet apparently committed 1,025 violations by defaulting on 1,025 CBGs subject to forfeiture, which places the company's base forfeiture at \$3,075,000.00.²⁸ California Internet's total assigned support for the CBGs in default subject to forfeiture amounted to \$129,659,238.20, thereby capping the maximum possible forfeiture at \$19,448,885.73, which is 15% of California Internet's defaulted support subject to forfeiture in Auction 904.²⁹ Because the base forfeiture

¹⁹ See Cal.net, *About Us*, <https://www.cal.net/about-us/> (last visited Jan. 5, 2023).

²⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13906, Attach. A: Winning Bidder Summary.

²¹ 47 CFR § 54.804(b)(5); *October 2022 Default Public Notice* at 9, n.57, Attach. B: Bids in Default.

²² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²³ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *October 2022 Default Public Notice* Attach. B: Bids in Default (describing the total amount of Cal.net's won support in default for the identified CBGs).

²⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

²⁵ See Geolinks, *About*, <https://geolinks.com/innovative-telecom-solutions/> (last visited Jan. 5, 2023).

²⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13906-907, Attach. A: Winning Bidder Summary.

²⁷ 47 CFR § 54.804(b)(5); *October 2022 Default Public Notice* at 9, n.57, Attach. B: Bids in Default. California Internet also received a partial waiver for an additional two bid defaults because those defaults stemmed from interagency coordination pursuant to the Broadband Interagency Coordination Act of 2020. See *August 31, 2022 Public Default Notice*, at 7, n.49; E-mail from Ryan Adams, President and COO, California Internet, L.P., to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (August 27, 2022, 2:23 EDT).

²⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

²⁹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *October 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of California Internet's won support that is in default for the identified CBGs).

does not exceed the 15% cap established by the *Rural Digital Opportunity Fund Order*,³⁰ the Commission finds the forfeiture amount of \$3,075,000.00 against California Internet is appropriate here.

5. **Cebridge Telecom ID, LLC (Cebridge); FRN 0016746802; File No.: EB-IHD-23-00034741; NAL/Acct No.: 202332080018.** Cebridge is a wholly owned subsidiary of Altice USA, Inc. (Altice),³¹ which offers broadband internet service spanning 21 states.³² Altice submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.³³ In turn, Altice assigned bids covering two CBGs to Cebridge.³⁴ On August 30, 2021, on behalf of its subsidiaries, Altice notified the Commission of Cebridge's intent to default on two CBGs subject to forfeiture.³⁵ WCB declared Cebridge to be in default on May 3, 2022, and referred the company to EB for enforcement action.³⁶ The Commission finds that Cebridge apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.³⁷ Cebridge's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$8,240.00, thereby capping the maximum possible forfeiture at \$1,236.00, which is 15% of Cebridge's defaulted support subject to forfeiture in Auction 904.³⁸ Because the base forfeiture exceeds the 15% cap established in the *Rural Digital Opportunity Fund Order*,³⁹ the Commission finds that the forfeiture amount of \$1,236.00 against Cebridge is appropriate here.

6. **Charter Fiberlink – Missouri, LLC (CF Missouri); FRN: 0005793922; File No.: EB-IHD-23-00034742; NAL/Acct No.: 202332080023.** CF Missouri is a limited liability company formed in Delaware.⁴⁰ CF Missouri and CCO Holdings, LLC (CCO) are subsidiaries of Charter Communications, Inc. (Charter).⁴¹ CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁴² In turn, CCO assigned CF Missouri 276 CBGs.⁴³ In a series of e-mails on behalf of its subsidiaries, Charter notified the Commission of their intent to default on

³⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

³¹ See Altice USA, Inc., Auction 904 FCC Form 175 Application, File No. 0009149206 (filed Oct. 20, 2020); https://auctionfiling.fcc.gov/form175/search175/detail_ownership_frb.htm?searchLevel=B&application_id=12170697&file_num=0009149206&version=2&PStart=1&auction_id=904&all_ind=N&FrbId=1083356.

³² Altice, *About*, <https://www.alticeusa.com/about> (last visited Jan. 5, 2023).

³³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13904, Attach. A: Winning Bidder Summary.

³⁴ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

³⁵ See E-mail from Cristina Chou, Vice President, Federal Affairs, Altice USA, to Auction904@fcc.gov, Federal Communications Commission (Aug. 30, 2021, 13:54 EDT).

³⁶ *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default.

³⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

³⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (showing the total amount of Cebridge's won support in default for the identified CBGs).

³⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁰ 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 Nov. 16, 2022).

⁴¹ *Id.*

⁴² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

⁴³ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

certain winning bids, including two CBGs subject to forfeiture assigned to CF Missouri.⁴⁴ WCB declared CF Missouri to be in default on May 3, 2022, and referred the company to EB for enforcement action.⁴⁵ 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 \$6,000.00.⁴⁶ CF Missouri's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$126,249.50, thereby capping the maximum possible forfeiture at \$18,937.42, which is 15% of CF Missouri's defaulted support subject to forfeiture in Auction 904.⁴⁷ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁴⁸ the Commission finds the forfeiture amount of \$6,000.00 against CF Missouri appropriate here.

7. **Conexon Connect, LLC (Conexon Connect) (Conexon); FRN: 0029721511; File No.: EB-IHD-23-00034743; NAL/Acct No.: 202332080021.** 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.⁴⁹ Conexon Connect was a member of the Rural Electric Cooperative Consortium (RECC).⁵⁰ RECC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁵¹ In turn, RECC assigned bids covering 1,156 CBGs to Conexon Connect.⁵² On May 3, 2022, WCB declared Conexon Connect to be in default in eight CBGs along with certain other census blocks, and referred the company to EB for enforcement action, after Conexon Connect missed 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.⁵³ On May 26, 2022, Conexon Connect notified the Commission of its intent to default on an additional 35 CBGs subject to forfeiture.⁵⁴ WCB declared Conexon Connect to be in default for the 35 CBGs on June 14, 2022, and referred the company to EB for enforcement action.⁵⁵ The Commission finds that Conexon Connect apparently committed 43 violations by defaulting on 43 CBGs subject to forfeiture which places the company's base forfeiture at \$129,000.00.⁵⁶ Conexon Connect's

⁴⁴ 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); see *May 3, 2022 Default Public Notice*, at 6, n.44.

⁴⁵ May 3, 2022 Default Public Notice, at 6, n.44.

⁴⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁴⁷ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures).

⁴⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁴⁹ Conexon, Home, <https://conexon.us> (last visited Nov. 16, 2022).

⁵⁰ 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.

⁵¹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13925-26, Attach. A: Winning Bidder Summary.

⁵² *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁵³ 47 CFR § 54.804(b)(5); *May 3, 2022 Default Public Notice*, DA 22-483, at 7-8, Attach. B: Bids in Default.

⁵⁴ Letter from Todd B. Lantor, Counsel to Conexon Connect, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (May 26, 2022). These CBGs included some census blocks that WCB had previously announced as defaulted. *May 3, 2022 Default Public Notice*, DA22-483, at 7-8.

⁵⁵ *June 2022 Default Public Notice*, Attach. B: Bids in Default.

⁵⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$36,127,642.00, thereby capping the maximum possible forfeiture at \$5,419,146.30, which is 15% of Conexon Connect's defaulted support subject to forfeiture in Auction 904.⁵⁷ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁵⁸ the Commission finds that the forfeiture amount of \$129,000.00 against Conexon Connect is appropriate here.

8. **Connect Everyone, LLC (Connect Everyone); FRN: 0029746260; File No.: EB-IHD-23-00034744; NAL/Acct No.: 202332080007.** Connect Everyone is a wholly owned subsidiary of Starry, Inc., which offers high speed fixed wireless internet service.⁵⁹ Connect Everyone submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁰ On September 15, 2022 and October 12, 2022, Connect Everyone notified the Commission of its intent to default on 1,282 CBGs subject to forfeiture.⁶¹ WCB declared Connect Everyone to be in default on October 12, 2022, and referred the company to EB for enforcement action.⁶² The Commission finds that Connect Everyone apparently committed 1,282 violations by defaulting on 1,282 CBGs subject to forfeiture, which places the company's base forfeiture at \$3,846,000.00.⁶³ Connect Everyone's total assigned support for the CBGs in default subject to forfeiture amounted to \$245,241,987.90, thereby capping the maximum possible forfeiture at \$36,786,298.18, which is 15% of Connect Everyone's defaulted support subject to forfeiture in Auction 904.⁶⁴ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁶⁵ the Commission finds that the forfeiture amount of \$3,846,000.00 against Connect Everyone is appropriate here.

9. **E Fiber San Juan (E San Juan); FRN: 0030298442; File No.: EB-IHD-23-00034745; NAL/Acct No.: 202332080011.** E San Juan is a local exchange carrier located in Orangeville, Utah.⁶⁶ E

⁵⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default; *June 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Conexon Connect's won support that is in default for the identified CBGs).

⁵⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁵⁹ Starry, Inc., Home, <https://starry.com/> (last visited Nov. 16, 2022).

⁶⁰ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13919, Attach. A: Winning Bidder Summary.

⁶¹ See Letter from Brian Regan, Executive Vice President and Chief of Staff, Starry, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Sept. 15, 2022); Letter from Brian Regan, Executive Vice President and Chief of Staff, Starry, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Nov. 16, 2022). Connect Everyone also received a partial waiver for an additional six bid defaults because those defaults stemmed from interagency coordination pursuant to the Broadband Interagency Coordination Act of 2020. See *August 31, 2022 Public Default Notice*, at 7, n.49; E-mail from Brian Regan, Executive Vice President and Chief of Staff, Starry, Inc., to Auction904@fcc.gov, Federal Communications Commission (August 29, 2022, 21:58 EDT).

⁶² *October 2022 Default Public Notice*, at 8, n.57, Attach. B: Bids in Default.

⁶³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁶⁴ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *October 2022 Default Public Notice*, Attach. B: Bids in Default, *May 25, 2022 Default Public Notice*, at 8, n.57, Attach. B: Bids in Default (describing the total amount of Connect Everyone's won support that is in default for the identified CBGs).

⁶⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁶⁶ See Emery Telephone dba Emery Telcom, Auction 904 FCC Form 175 Application, File No. 0009147474, (filed July 14, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12165535&file_num=0009147474&version=2&PStart=1&auction_id=904.

San Juan is a wholly owned subsidiary of Emery Telephone (Emery).⁶⁷ Emery timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁶⁸ In turn, Emery assigned bids covering three CBGs to E San Juan.⁶⁹ On June 13, 2022, E San Juan notified the Commission of its intent to default in certain census blocks within one CBG subject to forfeiture.⁷⁰ WCB declared E San Juan to be in default on August 10, 2022, and referred the company to EB for enforcement action.⁷¹ The Commission finds that E San Juan apparently committed one violation by defaulting on one CBG subject to forfeiture, which places the company's base forfeiture at \$3,000.00.⁷² E San Juan's total assigned support for the assigned CBG in default subject to forfeiture amounted to \$582,313.50 for the defaulted census blocks,⁷³ thereby capping the maximum possible forfeiture at \$87,347.02, which is 15% of E San Juan's defaulted support subject to forfeiture in Auction 904.⁷⁴ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁷⁵ the Commission finds that the forfeiture amount of \$3,000.00 against E San Juan is appropriate here.

10. **Farmers Mutual Cooperative Telephone Company (FMCTC); FRN: 0004776464; File No.: EB-IHD-23-00034746; NAL/Acct No.: 202332080016.** FMCTC, located in Fruitland, Idaho, offers residential and business options for internet, phone, voice, and business services.⁷⁶ FMCTC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁷⁷ WCB declared FMCTC to be in default on May 25, 2022, and referred the company to EB for enforcement action, after FMCTC failed to upload required information and documentation to its Long-Form Application by a stated deadline.⁷⁸ The Commission finds that FMCTC apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at

⁶⁷ Petition of E Fiber Moab, LLC and E Fiber San Juan, LLC for a Waiver of Section 54.804(b)(5) of the Commission's Rules, AU Docket No. 20-34 et al., Petition for Waiver at 1 (filed June 2, 2021).

⁶⁸ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13914, Attach. A: Winning Bidder Summary.

⁶⁹ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁷⁰ Letter from Brock Johansen, Chief Executive Officer, E San Juan Fiber, LLC, to Trent Harkrader, Chief, Wireline Competition Bureau, Federal Communications Commission (June 13, 2022).

⁷¹ *August 10, 2022 Default Public Notice* at 9-10. For E San Juan, WCB waived on its own motion the requirement that a default encompass an entire CBG, but did not waive the forfeiture for the defaulting census blocks. *Id.* at 10.

⁷² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁷³ The \$582,313.50 does not include the census blocks within the CBG where E San Juan was later authorized for support. *August 10, 2022 Default Public Notice*, at 10; *Rural Digital Opportunity Fund Support Authorized for 49 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, DA 22-944, Attach. A: Authorized Long-Form Applicants and Winning Bids (WCB/OEA Sept. 13, 2022).

⁷⁴ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117 (establishing the 15% cap on forfeitures). *August 10, 2022 Default Public Notice*, at 9-10 (describing the total amount of E San Juan's won support that is in default for the identified CBG).

⁷⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁷⁶ See Farmers Mutual Cooperative Telephone Company, *Home*, <https://fmtc.com> (last visited Nov. 16, 2022).

⁷⁷ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13914, Attach. A: Winning Bidder Summary.

⁷⁸ 47 CFR § 1.21004(b) ("The Commission may dismiss a winning bidder's application with prejudice for . . . failure of the winning bidder to respond substantially within the time period specified in official correspondence or requests for additional information . . ."); 47 CFR § 54.804(b)(2)(vi), (b)(3) (requiring a Long-Form applicant to submit a project funding description meeting certain requirements and a letter from a qualified bank committing to issue an irrevocable standby letter of credit); *May 25, 2022 Default Public Notice*, at 5, n.22, Attach. B: Bids in Default.

\$6,000.00.⁷⁹ FMCTC's total assigned support for the CBGs in default subject to forfeiture amounted to \$12,447.00, thereby capping the maximum possible forfeiture at \$1,867.05, which is 15% of FMCTC's defaulted support subject to forfeiture in Auction 904.⁸⁰ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,⁸¹ the Commission finds the forfeiture amount of \$1,867.05 against FMCTC is appropriate here.

11. **Fond du Lac Communications Inc. (Fond du Lac); FRN: 0029221694; File No.: EB-IHD-23-00034747; NAL/Acct No.: 202332080010.** Fond du Lac provides fiber internet and telephone services to individuals living on the Fond du Lac reservation.⁸² Fond du Lac timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁸³ WCB declared Fond du Lac to be in default on August 10, 2022, and referred the company to EB for enforcement action, after Fond du Lac missed 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.⁸⁴ The Commission finds that Fond du Lac apparently committed four violations by defaulting on four CBGs subject to forfeiture, which places the company's base forfeiture at \$12,000.00.⁸⁵ Fond du Lac's total assigned support for the CBGs in default subject to forfeiture amounted to \$934,066.30, thereby capping the maximum possible forfeiture at \$140,109.94, which is 15% of Fond du Lac's defaulted support subject to forfeiture in Auction 904.⁸⁶ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,⁸⁷ the Commission finds that the forfeiture amount of \$12,000.00 against Fond du Lac is appropriate here.

12. **GigaBeam Networks, LLC (GigaBeam); FRN: 0018473223; File No.: EB-IHD-23-00034748; NAL/Acct No.: 202332080015.** GigaBeam offers broadband internet services throughout southern West Virginia and southwestern Virginia.⁸⁸ GigaBeam timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁸⁹ On May 13, 2022, GigaBeam notified the Commission of its intent to default on two CBGs subject to forfeiture.⁹⁰ WCB declared GigaBeam to be in default on May 25, 2022, and referred the company to EB for enforcement action.⁹¹ The Commission finds that GigaBeam apparently committed two violations by defaulting on two CBGs subject to forfeiture, which places the company's base forfeiture at \$6,000.00.⁹² GigaBeam's total

⁷⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁸⁰ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 25, 2022 Default Public Notice* at 8, n.22, *see also* Attach. B: Bids in Default (describing the total amount of Farmers Mutual Cooperative's won support that is in default for the identified CBGS).

⁸¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁸² Fond du Lac, *About Us*, <https://www.aaniin.net/aboutus.html> (last visited Nov. 16, 2022).

⁸³ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13914, Attach. A: Winning Bidder Summary.

⁸⁴ 47 CFR § 54.804(b)(5); *August 10, 2022 Default Public Notice* at 5, n.63, Attach. B: Bids in Default.

⁸⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁸⁶ *See id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *August 10, 2022 Default Public Notice* at 5, n.63, *see also* Attach. B: Bids in Default (describing the total amount of Fond du Lac's won support that is in default for the identified CBGs).

⁸⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

⁸⁸ GigaBeam, *Home*, <https://www.gigabeam.net/> (last visited Nov. 16, 2022).

⁸⁹ *See Winning Bidders Public Notice*, 35 FCC Rcd at 13915, Attach. A: Winning Bidder Summary.

⁹⁰ *See* E-mail from Michael Clemons, Chief Executive Officer, GigaBeam Networks, LLC, to Heidi Lankau, Attorney Advisor, Telecommunications Policy Access Division, Federal Communications Commission (May 13, 2022, 13:49 EDT).

⁹¹ *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default.

assigned support for the CBGs in default subject to forfeiture amounted to \$92,328.40, thereby capping the maximum possible forfeiture at \$13,849.26, which is 15% of GigaBeam's defaulted support subject to forfeiture in Auction 904.⁹³ 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 \$6,000.00 against GigaBeam appropriate here.

13. **Mercury Wireless Indiana, LLC (Mercury IN); FRN: 0025151754; File No.: EB-IHD-23-00034749; NAL/Acct No.: 202332080025.** Mercury IN is a wholly owned subsidiary of Mercury Broadband, LLC f/k/a Mercury Wireless, Inc. (Mercury),⁹⁴ a fixed wireless broadband provider located in Kansas City, MO.⁹⁵ Mercury submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.⁹⁶ In turn, Mercury assigned bids covering 1,501 CBGs to Mercury IN.⁹⁷ On August 10, 2021, Mercury IN notified the Commission of its intent to default on 115 CBGs subject to forfeiture.⁹⁸ WCB declared Mercury IN to be in default on May 3, 2022, and referred the company to EB for enforcement action.⁹⁹ The Commission finds that Mercury IN apparently committed 115 violations by defaulting on 115 CBGs subject to forfeiture, which places the company's base forfeiture at \$345,000.00.¹⁰⁰ Mercury IN's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$4,768,591.60, thereby capping the maximum possible forfeiture at \$715,288.74, which is 15% of Mercury IN's defaulted support subject to forfeiture in Auction 904.¹⁰¹ Because the base forfeiture does not exceed the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁰² the Commission finds that the forfeiture amount of \$345,000.00 against Mercury IN is appropriate here.

14. **Mercury Wireless Kansas, LLC (Mercury KS); FRN: 0024930141; File No.: EB-IHD-23-00034750; NAL/Acct No.: 202332080017.** Mercury KS is a wholly owned subsidiary of Mercury Broadband, LLC f/k/a Mercury Wireless, Inc. (Mercury),¹⁰³ a fixed wireless broadband provider

⁹² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

⁹³ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of GigaBeam's won support that is in default for the identified CBGs).

⁹⁴ See Mercury Wireless, Inc., Auction 904 FCC Form 175 Application, File No. 0009149636 (filed July 15, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_ownership.htm?searchLevel=B&application_id=12168219&file_num=0009149636&version=2&PStart=1&auction_id=904.

⁹⁵ Mercury, *About Us*, <https://mercurybroadband.com/about-us/https://starry.com/> (last visited Jan. 5, 2023).

⁹⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13919, Attach. A: Winning Bidder Summary.

⁹⁷ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

⁹⁸ See E-mail from Virginia D. Hiner, Counsel to Mercury Broadband, LLC, to Auction904@fcc.gov, Federal Communications Commission (Aug. 10, 2021, 14:34 EDT) (attaching Letter from Garrett R. Wiseman, Chief Executive Officer, Mercury Broadband, LLC, to Kris Monteith, Chief, Wireline Competition Bureau, Federal Communications Commission et al. (Aug. 4, 2021)).

⁹⁹ *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹⁰⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁰¹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Mercury IN's won support that is in default for the identified CBGs).

¹⁰² *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁰³ See Mercury Wireless, Inc., Auction 904 FCC Form 175 Application, File No. 0009149636 (filed July 15, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_ownership.htm?searchLevel=B&application_id=12168219&file_num=0009149636&version=2&PStart=1&auction_id=904.

located in Kansas City, MO.¹⁰⁴ Mercury submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁰⁵ In turn, Mercury assigned bids covering 238 CBGs to Mercury KS.¹⁰⁶ On August 10, 2021, Mercury KS notified the Commission of its intent to default on 32 CBGs subject to forfeiture.¹⁰⁷ WCB declared Mercury KS to be in default on May 3, 2022, and referred the company to EB for enforcement action.¹⁰⁸ The Commission finds that Mercury KS apparently committed 32 violations by defaulting on 32 CBGs subject to forfeiture, which places the company's base forfeiture at \$96,000.00.¹⁰⁹ Mercury KS's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$1,228,636.60, thereby capping the maximum possible forfeiture at \$184,295.49, which is 15% of Mercury KS's defaulted support subject to forfeiture in Auction 904.¹¹⁰ Because the base forfeiture does not exceed the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹¹¹ the Commission finds that the forfeiture amount of \$96,000.00 against Mercury KS is appropriate here.

15. **Monster Broadband, Inc. (Monster Broadband); FRN: 0019499375; File No.: EB-IHD-23-00034751; NAL/Acct No.: 202332080008.** Monster Broadband is a fixed wireless internet service provider that serves Tennessee.¹¹² Monster Broadband participated in Auction 904 as a member of the NexTier Consortium (NexTier).¹¹³ NexTier timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹¹⁴ In turn, NexTier assigned 64 CBGs to Monster Broadband.¹¹⁵ On August 24, 2022, Monster Broadband notified the Commission of its intent to default on 64 CBGs subject to forfeiture.¹¹⁶ WCB declared Monster Broadband to be in default on August 31, 2022, and referred the company to EB for enforcement action.¹¹⁷ The Commission finds that Monster

¹⁰⁴ Mercury, *About Us*, <https://mercurybroadband.com/about-us/https://starry.com/> (last visited Jan. 5, 2023).

¹⁰⁵ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13919, Attach. A: Winning Bidder Summary.

¹⁰⁶ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁰⁷ See E-mail from Virginia D. Hiner, Counsel to Mercury Broadband, LLC, to Auction904@fcc.gov, Federal Communications Commission (Aug. 10, 2021, 14:34 EDT) (attaching Letter from Garrett R. Wiseman, Chief Executive Officer, Mercury Broadband, LLC, to Kris Monteith, Chief, Wireline Competition Bureau, Federal Communications Commission et al. (Aug. 4, 2021)).

¹⁰⁸ *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹⁰⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹¹⁰ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Mercury KS's won support that is in default for the identified CBGs).

¹¹¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹¹² Monster Broadband, *About Us*, <https://www.monsterbroadband.com/index.php/why-monster/about-monster-broadband> (last Nov. 16, 2022).

¹¹³ 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.

¹¹⁴ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

¹¹⁵ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹¹⁶ E-mail from Steve Baker, Co-owner, Monster Broadband, Inc., to Auction904@fcc.gov, Federal Communications Commission (Aug. 24, 2022, 11:03 EDT).

¹¹⁷ *August 31, 2022 Public Default Notice*, at 6, n.47, Attach. B: Bids in Default.

Broadband apparently committed 64 violations by defaulting on 64 CBGs subject to forfeiture, which places the company's base forfeiture at \$192,000.00.¹¹⁸ Monster Broadband's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$5,379,245.50, thereby capping the maximum possible forfeiture at \$806,886.82, which is 15% of Monster Broadband's defaulted support subject to forfeiture in Auction 904.¹¹⁹ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹²⁰ the Commission finds that a forfeiture of \$192,000.00 against Monster Broadband is appropriate here.

16. **Newport Utilities d/b/a NU Connect (Newport Utilities); FRN: 0027152438; File No.: EB-IHD-23-00034752; NAL/Acct No.: 202332080014.** Newport Utilities, headquartered in Newport, Tennessee provides voice and internet services.¹²¹ Newport Utilities timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹²² On May 17, 2022, Newport Utilities notified the Commission of its intent to default on five CBGs subject to forfeiture.¹²³ WCB declared Newport Utilities to be in default on May 25, 2022, and referred the company to EB for enforcement action.¹²⁴ The Commission finds that Newport Utilities apparently committed five violations by defaulting on five CBGs subject to forfeiture, which places the company's base forfeiture at \$15,000.00.¹²⁵ Newport Utilities' total assigned support for the CBGs in default subject to forfeiture amounted to \$87,582.10, thereby capping the maximum possible forfeiture at \$13,137.31, which is 15% of Newport Utilities' defaulted support subject to forfeiture in Auction 904.¹²⁶ Because the base forfeiture exceeds the 15% cap established by the *Rural Digital Opportunity Fund Order*,¹²⁷ the Commission finds the forfeiture amount of \$13,137.31 against Newport Utilities is appropriate here.

17. **RHMD LLC (RHMD); FRN: 0021036439; File No.: EB-IHD-23-00034753; NAL/Acct No.: 202332080020.** RHMD is a South Carolina company that provides voice and broadband services.¹²⁸ RHMD timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹²⁹ WCB declared RHMD to be in default on May 3, 2022, and referred the company to EB for enforcement action, after RHMD missed the deadline for demonstrating, with appropriate documentation, that it had been designated as an eligible telecommunications carrier in each of the

¹¹⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹¹⁹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *August 31, 2022 Public Default Notice*, Attach. B: Bids in Default (describing the total amount of Monster Broadband's won support that is in default for the identified CBGs).

¹²⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹²¹ Newport Utilities, *Home*, <https://newportutilities.com/> (last visited Nov. 16, 2022).

¹²² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13920, Attach. A: Winning Bidder Summary.

¹²³ See E-mail from Chris Calhoun, Vice President, Operations and Technology, Newport Utilities, to Heidi Lankau, Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission (May 17, 2022, 16:05 EDT).

¹²⁴ *May 25, 2022 Default Public Notice*, at 4, n.23, Attach. B: Bids in Default.

¹²⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹²⁶ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Newport Utilities' won support that is in default for the identified CBGs).

¹²⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹²⁸ RHMD, *About*, <https://www.rh-md.com>; see also South Carolina Secretary of State: *Business Entities Online: Business Name Search: RHMD, LLC*, <https://businessfilings.sc.gov/BusinessFiling/Entity/Search> (last visited Nov. 16, 2022).

¹²⁹ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13924, Attach. A: Winning Bidder Summary.

geographic areas for which it sought to be authorized for Auction 904 support.¹³⁰ The Commission finds that RHMD apparently committed 69 violations by defaulting on 69 CBGs subject to forfeiture, which places the company's base forfeiture at \$207,000.00.¹³¹ RHMD's total assigned support for the CBGs in default subject to forfeiture amounted to \$15,981,706.90, thereby capping the maximum possible forfeiture at \$2,397,256.03, which is 15% of RHMD's defaulted support subject to forfeiture in Auction 904.¹³² Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹³³ the Commission finds that the forfeiture amount of \$207,000.00 against RHMD is appropriate here.

18. **Shenandoah Cable Television, LLC (Shenandoah Cable); FRN: 0021657853; File No.: EB-IHD-23-00034754; NAL/Acct No.: 202332080024.** Shenandoah Cable is a subsidiary of Shenandoah Telecommunications Company located in Edinburg, Virginia.¹³⁴ Shenandoah Cable provides both voice and broadband services,¹³⁵ and timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹³⁶ On November 15, 2021 and April 20, 2022, Shenandoah Cable notified the Commission of its intent to default on 10 CBGs subject to forfeiture.¹³⁷ WCB declared Shenandoah Cable to be in default for eight CBGs on May 3, 2022, and referred the company to EB for enforcement action.¹³⁸ On June 21, 2022, Shenandoah Cable notified the Commission of its intent to default on two more CBGs subject to forfeiture.¹³⁹ WCB declared Shenandoah Cable to be in default for the remaining CBGs on August 10, 2022, August 31, 2022, and November 10, 2022, and referred the company to EB for enforcement action.¹⁴⁰ The Commission finds that Shenandoah Cable apparently committed 12 violations by defaulting on 12 CBGs subject to forfeiture, which places the company's base forfeiture at \$36,000.00.¹⁴¹ Shenandoah Cable's total assigned support for the CBGs in default subject to forfeiture amounted to \$3,812,575.60, thereby capping the maximum possible forfeiture at \$571,886.34, which is 15% of Shenandoah Cable's defaulted support subject to forfeiture in Auction 904.¹⁴² Because

¹³⁰ 47 CFR § 54.804(b)(5); *May 3, 2022 Default Public Notice* at 6, n.44, Attach. B: Bids in Default.

¹³¹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹³² See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of RHMD's won support that is in default for the identified CBGs).

¹³³ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹³⁴ United States Securities and Exchange Commission, *Form 10-K*, Business, p. 12, <https://investor.shentel.com/static-files/3498fbb5-b7dc-43a1-acde-c4238fc542a2> (last visited Nov. 16, 2022).

¹³⁵ See Shenandoah Cable, Auction 904 Form 175 Application, File No. 0009149943 (filed July 15, 2020) https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12171025&file_num=0009149943&version=2&PStart=1&auction_id=904.

¹³⁶ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13926, Attach. A: Winning Bidder Summary.

¹³⁷ See Shenandoah Cable Television, LLC, AU Docket No. 20-34 et al., Petition for Waiver (filed Nov. 15, 2021); Shenandoah Cable Television, LLC, AU Docket No. 20-34 et al., Petition for Waiver (filed Apr. 20, 2022).

¹³⁸ See *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹³⁹ See Shenandoah Cable Television, LLC, AU Docket No. 20-34 et al., Petition for Waiver (filed June 21, 2022).

¹⁴⁰ See *August 10, 2022 Default Public Notice*, Attach. B: Bids in Default; see also *August 31, 2022 Public Default Notice*, Attach. B: Bids in Default; see also *November 2022 Default Public Notice*, at 8, n.57, Attach. B: Bids in Default.

¹⁴¹ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁴² See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default; *August 10, 2022 Default Public Notice*, Attach. B: Bids in Default; *August 31, 2022 Public Default Notice*, Attach. B: Bids in Default; *Nov. 10, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Shenandoah Cable's won support that is in default for the identified CBGs).

the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,¹⁴³ the Commission finds the forfeiture amount of \$36,000.00 against Shenandoah Cable is appropriate here.

19. **Terral Telephone Company (Terral); FRN: 0004320412; File No.: EB-IHD-23-00034755; NAL/Acct No.: 202332080013.** Terral is a South Carolina company that provides voice and broadband services.¹⁴⁴ Terral timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁴⁵ On May 12, 2022, Terral notified the Commission of its intent to default on 11 CBGs subject to forfeiture.¹⁴⁶ WCB declared Terral to be in default on May 25, 2022, and referred the company to EB for enforcement action.¹⁴⁷ The Commission finds that Terral apparently committed 11 violations by defaulting on 11 CBGs subject to forfeiture, which places the company's base forfeiture at \$33,000.00.¹⁴⁸ Terral's total assigned support for the CBGs in default subject to forfeiture amounted to \$632,991.90, thereby capping the maximum possible forfeiture at \$94,948.78, which is 15% of Terral's defaulted support subject to forfeiture in Auction 904.¹⁴⁹ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁵⁰ the Commission finds that the forfeiture amount of \$33,000.00 against Terral is appropriate here.

20. **Time Warner Cable Information Services (Massachusetts), LLC (TWC Massachusetts); FRN: 0013182712; File No.: EB-IHD-23-00034756; NAL/Acct No.: 202332080019.** TWC Massachusetts is a limited liability company formed in Delaware and a subsidiary of Charter.¹⁵¹ Charter participated in Auction 904 through another subsidiary called CCO.¹⁵² CCO timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁵³ In turn, CCO assigned TWC Massachusetts 42 of its CBGs.¹⁵⁴ 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 Massachusetts' assigned CBGs subject to forfeiture.¹⁵⁵ WCB declared TWC Massachusetts to be in default on May 3, 2022, and referred the company to EB for enforcement action.¹⁵⁶ The Commission finds that TWC Massachusetts apparently committed two violations by defaulting on two CBGs subject to forfeiture,

¹⁴³ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁴⁴ See Terral Telephone Company, Auction 904 FCC Form 175 Application, File No. 0009150076, at Applicant Info (filed July 15, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12189335&file_num=0009150076&version=2&PStart=1&auction_id=904 (RHMD Short-Form Filing).

¹⁴⁵ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13929, Attach. A: Winning Bidder Summary.

¹⁴⁶ See Letter from Chad Seagress, President, Terral Telephone Company, to Trent Harkrader, Chief, Wireline Competition Bureau, Federal Communications Commission (May 12, 2022).

¹⁴⁷ *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹⁴⁸ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁴⁹ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Terral's won support that is in default for the identified CBGs).

¹⁵⁰ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁵¹ 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 Nov. 16, 2022).

¹⁵² *Id.*

¹⁵³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13907-08, Attach. A: Winning Bidder Summary.

¹⁵⁴ Long-Form Applicants Spreadsheet as of 2/22/2022, <https://www.fcc.gov/auction/904/round-results> (last visited Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁵⁵ See, e.g., *Charter Summary Default E-mail*, *May 3, 2022 Default Public Notice*, at 6, n.44.

¹⁵⁶ *May 3, 2022 Default Public Notice*, at 6-7, n.44, Attach. B: Bids in Default.

which places the company's base forfeiture at \$6,000.00.¹⁵⁷ TWC Massachusetts' total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$1,104,815.00, thereby capping the maximum possible forfeiture at \$165,722.25, which is 15% of TWC Massachusetts' defaulted support subject to forfeiture in Auction 904.¹⁵⁸ Because the base forfeiture is less than the 15% cap established by the *Rural Digital Opportunity Fund Order*,¹⁵⁹ the Commission finds the forfeiture amount of \$6,000.00 against TWC Massachusetts is appropriate here.

21. **Trailwave Fiber, Inc. (Trailwave); FRN: 0022716385; File No.: EB-IHD-23-00034757; NAL/Acct No.: 202332080012.** Trailwave is a broadband internet service provider located in Georgia.¹⁶⁰ Trailwave is a wholly owned subsidiary of Habersham Electric Membership Cooperation.¹⁶¹ Trailwave was a member of the NRTC Phase 1 RDOF Consortium (NRTC).¹⁶² NRTC timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁶³ In turn, NRTC assigned 13 CBGs to Trailwave.¹⁶⁴ On May 25, 2022, Trailwave notified the Commission of its intent to default on 13 CBGs subject to forfeiture.¹⁶⁵ WCB declared Trailwave to be in default on May 25, 2022, and referred the company to EB for enforcement action.¹⁶⁶ The Commission finds that Trailwave apparently committed 13 violations by defaulting on 13 CBGs subject to forfeiture, which places the company's base forfeiture at \$39,000.00.¹⁶⁷ Trailwave's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$396,415.90, thereby capping the maximum possible forfeiture at \$59,462.38, which is 15% of Trailwave's defaulted support subject to forfeiture in Auction 904.¹⁶⁸ Because the base forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*,¹⁶⁹ the Commission finds that the forfeiture amount of \$39,000.00 against Trailwave is appropriate

¹⁵⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁵⁸ See *id.* at 736, para. 117 (establishing a 15% cap on forfeitures). *May 3, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of TWC Massachusetts' won support that is in default for the identified CBGs).

¹⁵⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

¹⁶⁰ Trailwave, *Trailwave Plans*, <https://www.habershamemc.com/trailwave/pricing/#residential-plans> (last visited Nov. 16, 2022).

¹⁶¹ Trailwave, *Home*, <https://www.habershamemc.com/trailwave/> (last visited Nov. 16, 2022).

¹⁶² NRTC Phase 1 RDOF Consortium, Auction 904 FCC Form 175 Application, File No. 0009146856, at Consortium Members Attach., p. 11 (filed July 13, 2020); https://auctionfiling.fcc.gov/form175/search175/attachment_view.htm?searchLevel=B&application_id=12165439&file_num=0009146856&version=2&PStart=1&auction_id=904&attachment_id=20947677.

¹⁶³ See *Winning Bidders Public Notice*, 35 FCC Rcd at 13921, Attach. A: Winning Bidder Summary.

¹⁶⁴ *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 Nov. 16, 2022); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁶⁵ E-mail from Casey Lide, Counsel to Trailwave Fiber, Inc., to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (May 25, 2022, 9:51 EDT); Letter from Casey Lide, Counsel to Trailwave Fiber, Inc., to Michael Janson, Director, Rural Broadband Auctions Task Force, Federal Communications Commission (May 26, 2022).

¹⁶⁶ *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default.

¹⁶⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁶⁸ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). *May 25, 2022 Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Trailwave's won support that is in default for the identified CBGs).

¹⁶⁹ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.

here.

22. **Xiber LLC (Xiber); FRN 0025619222; File No.: EB-IHD-23-00034758; NAL/Acct No.: 202332080004.** Xiber is a fixed wireless broadband provider located in Indianapolis, Indiana.¹⁷⁰ Xiber is a majority owned subsidiary of Hawaii Dialogix Telecom LLC (HDT).¹⁷¹ HDT timely submitted its Short-Form Application to participate in Auction 904 and was a successful bidder.¹⁷² In turn, HDT assigned bids covering 14 CBGs to Xiber.¹⁷³ WCB declared Xiber to be in default on December 16, 2022, and referred the company to EB for enforcement action, after Xiber missed the deadlines for submitting audited financial statements and a letter from a qualified bank committing to issue an irrevocable stand-by letter of credit meeting the Commission's requirements.¹⁷⁴ The Commission finds that Xiber apparently committed 14 violations by defaulting on 14 CBGs subject to forfeiture, which places the company's base forfeiture at \$42,000.00.¹⁷⁵ The Commission further finds that Xiber apparently committed a separate violation when it failed to file audited financial paperwork with WCB during the Long-Form Application process, which subjects Xiber to an additional \$50,000.00 base forfeiture.¹⁷⁶ Xiber's total assigned support for the assigned CBGs in default subject to forfeiture amounted to \$5,449,918.00, thereby capping the maximum possible default forfeiture at \$817,487.70, which is 15% of Xiber's defaulted support subject to forfeiture in Auction 904.¹⁷⁷ The base default forfeiture is less than the 15% cap established in the *Rural Digital Opportunity Fund Order*, at \$42,000.00.¹⁷⁸ Combining the audited financials forfeiture of \$50,000.00 with the default forfeiture of \$42,000.00, the Commission finds that the total forfeiture of \$92,000.00 against Xiber is appropriate here.

¹⁷⁰ See Xiber, *About Us*, <https://xiber.com/about/> (last visited Jan. 4, 2023).

¹⁷¹ See Hawaii Dialogix Telecom LLC, Auction 904 FCC Form 175 Application, File No. 0009149368, (filed Oct. 28, 2020); https://auctionfiling.fcc.gov/form175/search175/results_detail_appInfo.htm?searchLevel=B&application_id=12170893&file_num=0009149368&version=2&PStart=1&auction_id=904.

¹⁷² See *Winning Bidders Public Notice*, 35 FCC Rcd at 13914, Attach. A: Winning Bidder Summary.

¹⁷³ *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 Jan. 4, 2023); FCC Auction Bidding System Public Reporting System, <https://auctiondata.fcc.gov/public/projects/auction904>.

¹⁷⁴ 47 CFR §§ 54.804(b)(3), (b)(4); *December Default Public Notice*, at 5, n.26, Attach. B: Bids in Default.

¹⁷⁵ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 735-36, para. 115.

¹⁷⁶ *Id.* at 722-23, para. 80.

¹⁷⁷ See *id.* at 736, para. 117 (establishing the 15% cap on forfeitures). See also *December Default Public Notice*, Attach. B: Bids in Default (describing the total amount of Xiber's won support in default for the identified CBGs).

¹⁷⁸ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 736, para. 117.