

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NUMBER S-37139

CABLE ONE VOIP LLC D/B/A SPARKLIGHT, EX PARTE.

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*In re: Request for relinquishment of Eligible Telecommunication Designation statewide.*

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(Decided at the August 14, 2024 Business and Executive Session.)

## **ORDER**

### **Overview**

Cable One Voip LLC d/b/a Sparklight (“Company” or “Sparklight”) is a Delaware limited liability company registered as an interconnected Voice over Internet Protocol (VOIP) service provider in Louisiana. The company will provide interconnected VOIP services pursuant to its registration after the grant of this request.

On March 13, 2024, the Company filed its Petition with the Commission seeking to relinquish its designation as an ETC Carrier. Notice of the request was published in the Commission’s Official Bulletin No. 1320 dated March 28, 2024, with an intervention period of twenty-five days. No intervention or protest was filed.

### **Jurisdiction and Applicable Law**

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21(B) of the Louisiana Constitution.

#### **LA. Const. Art. IV, Sec. 21(B) provides in pertinent part:**

The commission shall regulate all common carries and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

In addition to providing the process for designating a carrier an ETC, the Act, provides a method whereby a carrier can seek to relinquish its ETC status.

#### **47 U.S.C. § 214(e)(4) provides in the pertinent part:**

A State commission *shall permit* an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the

purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed. (Emphasis Added)

### **Staff Review**

Pursuant to § 214(e)(4) of the Act, an ETC that seeks to relinquish its designation service area served by more than one ETC shall give advance notice to the State commission of such relinquishment. Further, the Act states that the State commission must ensure that customers of the affected areas will continue to be served by the remaining ETCs following the relinquishment.

On August 24, 2021, the Company informed the FCC that it would no longer seek Rural Digital Opportunity Fund (“RDOF”) support in several additional census blocks in Louisiana. At that time, the Company determined it would retain its RDOF ETC designation for census block group 220839705001, which is located in Richland Parish and includes 22 locations in four census blocks (the “Service Area”).<sup>1</sup>

The Company then requested that the Commission partially relinquish the Company’s ETC designation for all geographic areas of Louisiana except the Service Area. The Company also requested to relinquish the additional Lifeline ETC designation it received for non-RDOF areas. The Commission granted the Company’s requests in Order No. S-36484 issued on November 10, 2022 in Docket No. S-36484.

On March 12, 2024, the Company notified the FCC that the Company: (1) had completed the required buildout to the 22 locations in the Service Area; (2) was withdrawing from the RDOF program for the state of Louisiana; and (3) was filing with this Commission to relinquish its ETC designation.

The Company will continue to provide broadband service and voice service to the 22 locations in the Service Area notwithstanding its withdrawal from the RDOF program for the state of Louisiana. However, the Company will no longer receive RDOF support payments for the 22 locations and will no longer be considered an ETC in Louisiana. The Company will remain subject to certain recordkeeping rules for the RDOF program.<sup>2</sup>

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<sup>1</sup> <https://www.fcc.gov/document/auction-904-1oth-authorization-public-notice>.

<sup>2</sup> See, e.g., 47 C.F.R. § 54.320(b).

### **Advanced Notice**

Sparklight provided advance notice to the LPSC by filing its Petition on March 28, 2024. No consumer will be affected by the Company's request to relinquish its ETC designation in Louisiana. The Company does not serve any customers in the Service Area pursuant to its ETC designation at this time. Thus, no customer notice is required in connection with the Company's relinquishment.

### **Remaining ETCs in the Service Area**

Per its Petition, Sparklight's ETC service area in Louisiana is served by multiple ETCs. Upon Staff's own information and belief, there is at least one additional ETC providing service in each of the areas in which the relinquishment is being sought; thus, alleviating any concerns that could exist regarding lack of a provider for customers. In its Petition, Sparklight cites at least nine different ETCs in its remaining service areas. Further, Staff's understanding is that those ETCs cited by Sparklight are viable and have been previously confirmed by the LPSC.

### **Staff Recommendation**

Pursuant to the Act, a State Commission shall permit an ETC to relinquish its designation as such a carrier in any area served by more than one ETC. Staff has reviewed the Company's request and the requirements of the Act. Sparklight has provided advance notice to the Commission regarding its relinquishment, and Staff has confirmed that there is at least one additional ETC serving the areas in which relinquishment is being sought. In fact, there is at least nine additional ETC's in each of those service areas. Moreover, Sparklight's Petition states that it does not have any current customers remaining in Louisiana; accordingly, there is no need to notify customers in the Service Area pursuant to its ETC designation at this time. Sparklight's Petition was submitted in accordance with the requirements of the Act, therefore Staff recommends that Sparklight's ETC designation be relinquished.

**[This Section left intentionally blank.]**

**Commission Action**

On motion of Vice Chairman Lewis, seconded by Chairman Francis, with Commissioner Campbell and Commissioner Skrmetta concurring, and Commissioner Greene temporarily absent, the Commission voted to accept the Staff Report and Recommendation filed into the record on May 15, 2024.

**THEREFORE, IT IS ORDERED:**

The Staff Report and Recommendation filed into the record on May 15, 2024 is adopted and that Sparklight’s ETC designation be relinquished.

**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA  
August 28, 2024**



A handwritten signature in blue ink, appearing to read "Brandon M. Frey".

**BRANDON M. FREY  
SECRETARY**

/S/ MIKE FRANCIS  
**DISTRICT IV  
CHAIRMAN MIKE FRANCIS**

/S/ DAVANTE LEWIS  
**DISTRICT III  
VICE CHAIRMAN DAVANTE LEWIS**

/S/ FOSTER L. CAMPBELL  
**DISTRICT V  
COMMISSIONER FOSTER L. CAMPBELL**

/S/ ERIC F. SKRMETTA  
**DISTRICT I  
COMMISSIONER ERIC F. SKRMETTA**

TEMPORARILY ABSENT  
**DISTRICT II  
COMMISSIONER CRAIG GREENE**