

WAC 480-123-120 Eligibility and distributions from the program.

The commission will authorize distributions from the program on an annual basis. Each eligible provider will receive a single distribution for the year after January 1st of each year of eligibility, except as otherwise authorized by the commission.

(1) **Eligibility determination.** A wireline communications provider that complies with the requirements in WAC 480-123-110 is eligible to receive distributions from the program. The commission will make a final eligibility determination in its order granting or denying a provider's petition to receive program support. The eligibility criterion that a provider elects will be used in analyzing the provider's plan to provide, maintain, or enhance broadband services in its service area. The commission will consider the information filed by the provider in accordance with WAC 480-123-110.

(2) **Calculation of support amount.** The amount that a wireline communications provider eligible to receive support from the program may receive in a calendar year shall be no greater than its pro rata share of the cumulative reduction in support from the Connect America Fund Intercarrier Compensation incurred by the provider, up through and including the fiscal year ending June 30, 2020. A provider that seeks a distribution under eligibility criteria two, three, or four will receive support based on their broadband plan and other applicable eligibility requirements. For distribution under eligibility criterion one, the commission will distribute fifty percent of a provider's pro rata share of program support if the provider does not exceed a reasonable rate-of-return threshold applicable to the provider's circumstances and will distribute the remaining fifty percent if the provider commits and demonstrates progress in deploying broadband in accordance with the commission's deployment plan. A company's pro rata share of available funds is calculated after commission expenses.

(3) **Distribution to wireless communications providers.** The advisory board will make a recommendation to the commission on eligibility and distribution calculations for any wireless communications provider that seeks support from the program, and the commission will determine that provider's eligibility and the amount of support, if any, the provider may receive consistent with RCW 80.36.650 and commission rules.

(4) **Distribution to other communications providers.** The advisory board will make a recommendation to the commission on eligibility and distribution calculations for any other communications provider that seeks support from the program, and the commission will determine that provider's eligibility and the amount of support, if any, the provider may receive consistent with RCW 80.36.650 and commission rules.

(5) **Broadband commitment.** To receive support from the program, a communications provider must commit to deploying broadband to at least those locations comprising the broadband deployment obligation determined by the commission. Such deployment obligation is in addition to any Federal Communications Commission deployment requirements.

(6) **Total requests in excess of available funds.** If the total requests for support for a calendar year exceed the program funds available for that year, the commission will distribute the available funds to eligible carriers on a pro rata basis. If there is a pro rata reduction or increase in support, the company's broadband buildout obligation will be adjusted proportionately. The commission may seek a recommendation from the advisory board on the best pro rata distribution methodology to use.

(7) **Commission determination.** The commission will consider petitions from companies seeking support from the program and will make the necessary eligibility and distribution determinations in response to those petitions prior to January 1st of the calendar year in which funds from the program will be distributed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-120, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-120, filed 10/7/14 and 5/22/14, effective 6/22/14.]