

WAC 480-123-100 Prerequisites for requesting program support.

(1) **Wireline communications providers.** A wireline communications provider may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is a local exchange company as defined in WAC 480-120-021 that serves fewer than forty thousand access lines within the state;

(b) The provider is an incumbent local exchange carrier as defined in 47 U.S.C. Sec. 251(h) or has been designated as an incumbent local exchange carrier by the Federal Communications Commission;

(c) The provider offers basic residential and business exchange telecommunications services as set forth in WAC 480-120-021 and RCW 80.36.630;

(d) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service; and

(e) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D - Universal Service Support for High Cost Areas, with respect to the service areas for which the provider is seeking program support.

(2) **Wireless communications providers.** A wireless communications provider may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is licensed by the Federal Communications Commission to offer commercial mobile radio service within the state of Washington;

(b) The provider serves fewer than the equivalent of forty thousand access lines in Washington;

(c) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service; and

(d) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D - Universal Service Support for High Cost Areas, with respect to the service areas for which the provider is seeking program support.

(3) **Other communications providers.** A communications provider other than a provider specified in subsection (1) or (2) of this section may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is authorized by both the Federal Communications Commission and the commission to provide telecommunications service within the state of Washington;

(b) The provider demonstrates that it can provide the same or comparable services at the same or similar service quality standards at a lower price;

(c) The provider demonstrates it can provide telecommunications and broadband services to all residential and business locations within the exchange or exchanges for which it requests program support and irrevocably commits to maintain that capability for as long as it receives support and to serve all persons requesting such service within such exchange or exchanges;

(d) The provider submits to the commission's regulation of its service as if it were the incumbent local exchange company serving the exchange or exchanges for which it seeks support from the program;

(e) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service;

(f) The provider offers basic residential and business exchange telecommunications services as set forth in WAC 480-120-021 and RCW 80.36.630; and

(g) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D - Universal Service Support for High Cost Areas, with respect to the service areas for which the provider is seeking program support.

(4) In calculating access lines or equivalents under this section, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington; provided that only the wireline access lines of the affiliates of a provider seeking support as a wireline carrier will count toward the single threshold for that provider, and only the wireless access line equivalents of the affiliates of a provider seeking support as a wireless carrier will count toward the single threshold for that provider.

[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), § 480-123-100, 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), § 480-123-100, filed 10/7/14 and 5/22/14, effective 6/22/14.]