

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-0018-PET

Petition of Starlink Services, LLC for)
Designation as an Eligible Telecommunications)
Carrier for purposes of receiving rural digital)
opportunities fund support)

**DEPARTMENT OF PUBLIC SERVICE COMMENTS REGARDING PETITION OF
STARLINK SERVICES, LLC FOR
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

On January 6, 2021, Starlink Services, LLC (“Starlink”) filed with the Public Utility Commission (“Commission”) a petition seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of deploying and providing voice and broadband service in those census blocks for which Space Explorations Technologies Corp. (“SpaceX”), Starlink’s parent company, was selected as winning bidder in Vermont under the Federal Communications Commission’s (“FCC”) Rural Digital Opportunity Fund (“RDOF”) Phase I Auction (Auction 904). As explained in the Petition, SpaceX assigned its winning bids to Starlink (the “RDOF Census Blocks”) and as a condition for Starlink’s receipt of federal funding and building in the RDOF Census Blocks, the company is required to obtain designation as an ETC.

The Department of Public Service (“Department”) has reviewed Starlink’s petition and, as further explained in Prefiled Testimony, conducted an analysis of the awarded RDOF Census Blocks in order to corroborate the locations to which Starlink is required to build and deploy voice and broadband service consistent with the FCC’s RDOF rules.¹ For the reasons stated

¹ Federal Communications Commission, *In the Matter of Rural Digital Opportunity Fund*, Report and Order, January 30, 2020, ¶¶ 7, 31-65, <https://docs.fcc.gov/public/attachments/FCC-20-5A1.pdf> (“RDOF Order”). Although this analysis lies outside the scope of the criteria for granting ETC status, it is nonetheless an important facet for the Department, as the public interest representative, to consider in crafting its recommendation.

herein and in Prefiled Testimony, the Department is satisfied that the information provided demonstrates in sufficient detail compliance with all applicable federal requirements for designation as an ETC, including 47 C.F.R. §§ 54.101 and 54.400 *et seq.* As stated in Prefiled Testimony, grant of ETC designation to Starlink will allow for the company to provide critical voice and broadband services to consumers within its designated service territory, including eligible low-income consumers.

The Department is encouraged by the diverse and robust participation in RDOF Phase I in order for providers to build and serve those unserved areas of the state. That said, while RDOF awardees must comply with certain milestones as required by the FCC, the Department notes that the Commission continues to serve as the primary authority for ETC designation and the requisite ETC obligations.² Therefore, for the reasons stated in Prefiled Testimony and in order to best serve the public interest and ensure proper oversight of Starlink's ETC obligations as they relate to the RDOF Census Blocks, the Department recommends the following:

1. That the Commission require Starlink to file with the Commission and the Department any and all deployment milestone reports filed with the FCC during the RDOF support term, which shall include the number of locations served with stand-alone voice in the applicable RDOF Census Block.³

2. To the extent Starlink does not indicate in its petition or certifications the various marketing and outreach efforts used in advertising the required Lifeline services, the Commission require Starlink to file within 60 days of any order granting the company ETC

² The Department also notes that pursuant to any Certificate of Public Good issued to a provider to operate in the state, the provider is subject to the jurisdiction of the Commission and required to comply with all Commission Rules. The Department disputes any assertions that certain subjects and benefits referenced in RDOF ETC petitions pertain to non-jurisdictional products and services (apart from broadband) and therefore reserves the right to further discuss and act on the matter.

³ *RDOF Order*, ¶¶ 7, 31-65.

status a marketing plan that describes the marketing and outreach efforts Starlink will use in advertising the availability of the required services and explain how it will be effective in reaching eligible consumers. While some of the following information is highlighted in Starlink's petition, the Department recommends that, consistent with other ETC designations,⁴ the marketing plan specifically describe:

- A. Whether information about the required services is clearly displayed on the Starlink or SpaceX website, as applicable;
- B. Starlink's use of multiple outreach methods;
- C. The frequency of its outreach efforts;
- D. Whether Starlink will provide outreach materials to relevant community institutions;
- E. Whether it will advertise in multiple languages if appropriate;
- F. The use of clear and plain language when describing the required services;
and
- G. Possible cooperation with other ETCs for the joint production, placement and use of outreach materials.

3. That the Commission require Starlink to file with the Commission and the Department by June 30, 2022 and each year thereafter an annual certification describing its marketing efforts for the preceding year.

It is the position of the Department that grant of Starlink's ETC designation request will promote the general good of the state and further state telecommunications policies and planning goals as outlined in 30 V.S.A. § 202c. The Department therefore recommends that, subject to the

⁴ See, e.g., *In re Designation of Eligible Telecommunications Carriers Under the Telecommunications Act of 1996*, Docket 7969, Order of 5/23/2013 at 9.

above conditions, the Commission approve Starlink's request without further hearings or investigation.

Dated at Waterbury, Vermont this 9th day of February, 2021.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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