

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18A-0666T

IN THE MATTER OF THE APPLICATION OF VIASAT CARRIER SERVICES, INC. FOR LIMITED DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF COLORADO TO RECEIVE CONNECT AMERICA PHASE II (AUCTION 903) SUPPORT FOR VOICE AND BROADBAND SERVICES AND REQUEST FOR EXPEDITED CONSIDERATION.

DECISION GRANTING WAIVER WITH CONDITIONS

Mailed Date: February 26, 2020

Adopted Date: February 26, 2020

I. BY THE COMMISSION

A. Statement

1. On January 30, 2020, Viasat Carrier Services, Inc. (Viasat) filed a Motion for Waiver (Motion) of Commission Rule 2187(e) of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* 723-2, requiring that a carrier offer service within one year of receiving eligible telecommunications carrier (ETC) designation. Viasat was designated an ETC on January 30, 2019.

2. Viasat also requests a shortened notice and intervention period “to the extent necessary.”

3. On February 18, 2020, Viasat filed an Amended Motion for Waiver (Amended Motion). In the Amended Motion, Viasat states that it conferred with Commission Trial Staff (Staff) and that Staff has indicated that it will not oppose the Amended Motion, subject to Viasat’s filing of quarterly progress reports.

4. By this Decision, we grant the Amended Motion for a 12-month waiver of Rule 2187(e), with the condition that Viasat file progress reports on June 1, 2020; September 1, 2020; December 1, 2020; and January 15, 2021. All other conditions and requirements of Viasat's ETC designation continue to apply.

B. Discussion

5. Viasat was granted ETC designation on January 11, 2019 in this proceeding through Decision No. R19-0033, as a prerequisite for it to receive federal Connect America Fund Phase II (CAF II) funding. The CAF II funds are intended to assist carriers in building out voice and broadband services in underserved areas. Staff initially intervened in the proceeding, but the parties resolved their issues upon Viasat amending its application.

6. In its Amended Motion, Viasat states that it began receiving CAF II funds in December 2019 and has yet to complete a number of network and internal system improvements so that it can provide voice and broadband service under CAF II. Viasat therefore requests a waiver of the Rule 2187(e) requirement that an ETC must offer service within one year of the effective date of the Commission's ETC determination.¹ Viasat asserts that it will complete all necessary system modifications to begin providing service by January 31, 2021.

7. Viasat states that it conferred with Counsel for Staff, who indicated that Staff does not oppose the Amended Motion, contingent upon Viasat filing short progress reports each quarter, beginning on June 1, 2020, through January 15, 2021. The reports are to provide estimated timeframes for Viasat's deployment schedule and the locations where service is commercially available.

¹ The effective date of Decision No. R19-0033 was January 31, 2019.

8. The 14-day response period for the Motion expired on February 14, 2020. No parties, including Staff, filed a response.

II. ORDER

A. The Commission Orders That:

1. The Amended Motion for Waiver filed by Viasat Carrier Services, Inc. on February 18, 2020 is granted, subject to the filing of progress reports on June 1, 2020; September 1, 2020; December 1, 2020; and January 15, 2021.

2. All other conditions and requirements of Decision No. R19-0033 continue to apply.

3. The request for shortened response time is denied as moot.

4. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 26, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners