

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 18A-0666T

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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.

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**COMMISSION DECISION GRANTING WAIVER**

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Mailed Date: December 23, 2020

Adopted Date: December 23, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. On December 1, 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* (CCR) 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. By this Decision, we grant the Motion for a six-month waiver of Rule 2187(e). All other conditions and requirements of Viasat's ETC designation continue to apply.

**B. Discussion**

3. 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.

4. On January 30, 2020, Viasat filed a Motion for Waiver from Rule 2187(e) stating that it had been unable to complete the necessary network and internal system improvements to begin providing service within the 12-month period and requesting a 12-month waiver of the Rule. Staff of the Commission initially filed a protest, but resolved its issues with Viasat. The Commission granted Viasat's Motion for Waiver through Decision No. C20-0126, issued on February 26, 2020.

5. In this instant 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 states that the COVID-19 pandemic has required it to re-allocate its resources to keep its network running, while at the same time requiring that many of its employees work remotely, delaying its timeline for necessary network improvements. Additionally, Viasat states that it has encountered unexpected complexities in upgrading its internal systems.

6. Viasat therefore requests an additional six-month 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.<sup>1</sup> Viasat asserts that it will complete all necessary system modifications to begin providing service by April 2021 and states that it will continue to provide quarterly progress reports, as ordered in Decision No. C20-0126.

7. No comments in response to the Motion were received.

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

**C. The Commission Orders That:**

1. The Motion for Waiver filed by Viasat Carrier Services, Inc. on December 1, 2020 is granted.
2. All other conditions and requirements of Decision No. R19-0033 continue to apply.
3. 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.
4. This Decision is effective on its Mailed Date.

**D. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 23, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners