



December 29, 2020

**VIA UPS OVERNIGHT MAIL**

Mr. Walter Thomas  
Secretary  
Alabama Public Service Commission  
100 North Union Street, RSA Union  
Montgomery, AL 36104

Re: Designation as an Eligible Telecommunications Carrier

Dear Mr. Thomas:

On December 7, 2020, the Federal Communications Commission (“FCC”) announced Point Broadband Fiber Holding, LLC (“Point Broadband”) as a winning bidder for the Rural Digital Opportunity Fund (“RDOF”) Phase I auction (Auction 904) for a total of 34,472 locations in Alabama, Georgia, Michigan, New York and Virginia with a total support amount of \$78,414,413.10.<sup>1</sup>

Point Broadband is based in West Point, Georgia and provides fixed broadband services to residential and business customers using fixed wireless and fiber technologies. Point Broadband is a facilities-based broadband and voice provider that focuses on serving rural and remote areas in a number of states in the eastern part of the United States, including in Alabama. As an RDOF winner, Point Broadband must be designated as an Eligible Telecommunications Carrier (“ETC”) in the areas where it will receive support.

Pursuant to Section 214(e)(6) of the Communications Act, the FCC may designate an ETC where the applicant “is not subject to the jurisdiction of a State commission.”<sup>2</sup> It is the understanding of Point Broadband that pursuant to Alabama Code § 37-2A-4, the Alabama Public Service Commission does not regulate broadband or interconnected Voice over Internet Protocol (“VoIP”) providers and, in the past, has expressly declined to assert jurisdiction to designate ETCs in the state of Alabama.<sup>3</sup>

Since Alabama has declined to exercise jurisdiction over VoIP and broadband providers for purposes of designating ETC status, pursuant to 47 U.S.C. § 214(e), Point Broadband must submit a request for ETC designation with the FCC. The request must be submitted to the FCC by **January 6, 2021**.

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<sup>1</sup> Public Notice, *Rural Digital Opportunity Fund Phase I (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021*, DA 20-1422 (rel. Dec. 7, 2020) (“*RDOF Phase I Auction Closing Public Notice*”).

<sup>2</sup> 47 U.S.C. § 214(e)(6).

<sup>3</sup> See Tombigbee Petition for Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Feb. 22, 2019), at Exhibit B.



Point Broadband requests that the Alabama Public Service Commission issue a statement confirming that the Commission has declined jurisdiction as soon as possible so that Point Broadband may submit its request to the FCC by the January 6, 2021 deadline. In the interest of time, Point Broadband requests that a PDF of the statement be sent via email to:

Rebecca Jacobs Goldman  
[rgoldman@lermansenter.com](mailto:rgoldman@lermansenter.com)

We appreciate your consideration of this matter. Please do not hesitate to contact me directly should you have any questions.

Sincerely,



Rebecca Jacobs Goldman  
Counsel to Point Broadband Fiber Holding, LLC