

November 29, 2018

Public Utilities Commission of Ohio
ATTN: Docketing Division
180 East Broad Street
Columbus, OH 43215

RE: W.A.T.C.H. TV Company REVISED ETC designation request -- Case 18-1555-TP-UNC

Commissioners,

Please find enclosed W.A.T.C.H. TV Company's Revised Eligible Telecommunications Carrier (ETC) designation request for the State of Ohio for reasons as discussed in the petition.

Please direct inquiries regarding W.A.T.C.H. TV Company's petition to:

W.A.T.C.H. TV Company
Ken Williams
1805 N. Dixie Hwy.
Lima, OH 45801
419-879-1102
kenw@watchtv.net

Sincerely,



Ken Williams
President and Chief Executive Officer
W.A.T.C.H. TV Company

The Public Utilities Commission of Ohio
TELECOMMUNICATIONS SUPPLEMENTAL APPLICATION FORM for
**COMPETITIVE ELIGIBLE TELECOMMUNICATION CARRIER
(CETC) DESIGNATION HIGH-COST UNIVERSAL SERVICE**

Per the Commission's 01/19/2011 "Implementation Order" in Case No. 10-1010-TP-ORD
(Effective: 01/20/2011)

In the Matter of the Application of W.A.T.C.H. TV COMPANY) TRF Docket No. 90-
Petition for Designation as a High-Cost Rural) Case No. 18-1555-TP-UNC
Competitive Eligible Telecommunications) Note: Unless you have a reserved a Case No. leave the "Case No" fields
Carrier) BLANK

Name of Applicant W.A.T.C.H. TV COMPANY
DBA(s) of Applicant _____
Address of Applicant 1805 N. Dixie Hwy., Lima, OH
Company Web Address www.watchcommunications.net
Contact Person(s) Mark Miller
Contact Person's Email Address mmiller@watchtv.net Phone 419-859-2144 Fax 419-859-2150

Part I - Requirements:

Facilities-based Wireline applicant must obtain a Certificate of Public Convenience and Necessity in Ohio prior to applying for CETC Designation

Facilities-based Wireless applicant must register as a Wireless Service Provider in Ohio prior to applying for CETC Designation

Part II - Requirements:

Demonstration of Rural Telephone Company Status

The Carrier provides that it meets at least one of the following four criteria for rural telephone company status (**check [✓] at least one**) consistent with the Communications Act of 1934, as amended (SEC. 3 [47 USC § 153(37)]).

Section 3 [47 USC § 153(37)] states that the term "rural telephone company" means a local exchange carrier operating to the extent that such entity:

- ☐ (A) provides common carrier service to any local exchange carrier study area that does not include either --
- (i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or
 - (ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of Census as of August 10, 1993;
- ☐ (B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines:
- ☐ (C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or
- ☐ (D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

If the carrier checks any letter other than "B" or "C" above, it must attach supporting documentation to this application demonstrating how it meets the criteria delineated of either "A" or "D."

Check [✓]

☒ **FCC-Required Services 47 C.F.R. §54.101**

The carrier provides that it is capable of providing the following services supported by the federal universal service fund:

- Voice grade access to the public switched network
- Local usage
- ~~Touch-tone service or its functional equivalent~~
- ~~Single-party service or its functional equivalent~~
- Access to emergency services, including 911 and enhanced 911
- ~~Access to operator services~~
- ~~Access to interexchange services~~
- ~~Access to directory assistance~~
- Toll limitation for qualifying low-income customers

Facilities 47 C.F.R. §54.201

Offer the services that are supported by federal universal service support mechanisms under subpart B of this part and section 254(c) of the Act,

The carrier will provide these services through **(check [✓] the one that applies):**

- ☐ Its own facilities;
- ☐ Its own facilities (which includes the purchase of unbundled network elements);
- ☒ Its own facilities and resale of another carriers services; or
- ☐ Its own facilities (which include the purchase of unbundled network elements), and resale.

Advertising 47 C.F.R. § 54.201

(check [✓] all that apply)

- ☒ The carrier will advertise the availability of supportable services and their rates annually in a print media(s) of general circulation throughout its service territory(s) utilizing the language recommended by the Commission. (Carriers are at liberty to propose their own advertising language, but are put on notice that it may lengthen the ETC approval process. Any proposed alternative language must be attached to this application.)
- ☐ Indicate generally the type of media to be employed:
- ☐ Intend to utilize the Commission's recommended advertising language

Copy of proposed advertising language and materials to advertise available services (Exhibit F)

Public Interest Standard 47 C.F.R. §54.202

Public Interest Standard determination of an application will be evaluated on a case-by-case basis considering increased customer choice, advantages and disadvantages. In the case of an applicant seeking designation below the study area level of a rural telephone company a cream-skimming analysis may be appropriate comparing the population density of each wire center in which the applicant seeks designation against that of the wire centers in the study area in which the applicant does not seek designation, as well as other determining factors. Explain in application benefits including unique advantages (Exhibit E)

CETC requirements: 47 C.F.R. 54.202

Under section 214(e)(6) common carrier in its application must **(check [✓] all)**:

- ☒ Commitment to provide service throughout proposed designated service area to all customers making reasonable requests for service [§ 54.202 (1)(i)]
- ☒ Carrier certifies [§54.202(a)(1)] that it will:
 1. Provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises
 2. Provide service within a reasonable period of time, if the potential customer is within the applicant's licensed service area but outside its existing network coverage, if service can be provided at reasonable cost by:
 1. Modifying or replacing the requesting customer's equipment;
 2. Deploying a roof-mounted antenna or other equipment;
 3. Adjusting the nearest cell tower;
 4. Adjusting network or customer facilities;
 5. Reselling services from another carrier's facilities to provide service; or
 6. Employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.
- ☒ Submit a five-year plan [54.202(B)(ii)] (Exhibit A)
- ☒ Remain functional in emergency situations [§54.201(a)(2)] (Exhibit C)
- ☒ Local usage plan [§54.202(a)(4)] (Exhibit D)
- Commit to satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Associations' Consumer Code for Wireless Service will satisfy this requirement. Other commitments will be considered on a case-by-case basis. [§54.202(a)(3)]
- Applicant acknowledges that per the FCC equal access rules it may be required to provide equal access to long distance carriers in the event that no other eligible telecommunication carrier is providing equal access within the service area. [§54.202(a)(5)]
- Retain all records required to demonstrate to auditors that the support received was consistent with the universal service high-cost program rules. This documentation must be maintained for at least five years from the receipt of funding. [§54.202(a)(5)(e)]. These records should include the following:
 - Data supporting line count filings;
 - Historical customer records; fixed asset property accounting records;
 - General ledgers;
 - Invoice copies for the purchase and maintenance of equipment;
 - Maintenance contracts for the upgrade or equipment;
 - and any other relevant documentation.

Part III - Exhibits

Note that the following exhibits are required for all filings using this form.

Included	Identified As:	Description of Required Exhibit:
<input checked="" type="checkbox"/>	Exhibit A	Submit 5-year plan specifically detailing proposed improvements or upgrades to applicants network on a wire-center by wire-center basis throughout its proposed designated service area: <ul style="list-style-type: none">• how signal quality, coverage or capacity will improve due to the receipt of high-cost support;• the projected start date and completion date for each improvement and the estimated amount of investment for each project that is funded by high-cost support;• the specific geographic areas where the improvements will be made;• and the estimated population that will be served as a result of the improvements.
<input checked="" type="checkbox"/>	Exhibit B	If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area. [54.202(B)(ii)]
<input checked="" type="checkbox"/>	Exhibit C	Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.[§54.201(a)(2)]
<input checked="" type="checkbox"/>	Exhibit D	One-time customer notice of detariffing and related changes consistent with rule 4901:1-06-04. Demonstrate that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation. [§54.202(a)(4)]
<input checked="" type="checkbox"/>	Exhibit E	Public Interest Standard : Explain customer benefits or unique advantages
<input checked="" type="checkbox"/>	Exhibit F	Copy of proposed advertising language and materials to advertise available services

Part III – Attestation

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

AFFIDAVIT

Compliance with Commission Rules

I am an officer/agent of the applicant corporation, W.A.T.C.H. TV COMPANY, and am authorized to make this statement on its behalf.
(Name)

I attest that this petition complies with all applicable rules for the state of Ohio. I understand that this petition filing does not imply Commission approval and that the Commission's rules, as modified and clarified from time to time, supersedes any contradictory provisions in our petition. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) 10/15/18 at (Location) LIMA, OHIO

*(Signature and Title) Ken Williams President & CEO (Date) 10/15/18

*This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

VERIFICATION

I, Ken Williams, verify that I have utilized the Supplemental Application for Petition for Designation as a Competitive Eligible Telecommunications Carrier for High-Cost Universal Service provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

*(Signature and Title) Ken Williams President & CEO (Date) 10/15/18

*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

Make such filing electronically as directed in Case No 06-900-AU-WVR

Or

Send your completed Supplemental Application Form, including all required attachments as well as the required number of copies, to:

Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, Columbus, OH 43215-3793

**STATE OF OHIO
PUBLIC UTILITIES COMMISSION OF OHIO**

W.A.T.C.H. TV COMPANY

Revised Application for Designation as
an Eligible Telecommunications Carrier
for Purposes of Receiving Federal Universal
Service Support for the purpose of
participating in the FCC's Connect America
Fund Phase II Auction

Docket No. _____

**W.A.T.C.H. TV COMPANY
REVISED APPLICATION FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER**

W.A.T.C.H. TV Company ("W.A.T.C.H.") and pursuant to the Telecommunications Act of 1996, 47 U.S.C. §214(e)(2) (the "Act") and the rules of the Federal Communications Commission ("FCC") 47 C.F.R. §54.201, hereby requests that the Public Utilities Commission of Ohio ("Commission") designate W.A.T.C.H. TV Company as a telecommunications carrier eligible under the provisions of Section 54.201(d) to receive federal universal service support. W.A.T.C.H. seeks ETC designation in order to receive support from the federal Universal Service Fund ("USF"), including support through the FCC's high cost USF programs in order to receive funds pursuant to the FCC's Connect America Funds Phase II Auction (Auction 903).

Introduction:

Company Background

W.A.T.C.H. is an Ohio corporation that is a wholly owned subsidiary of Benton Ridge Telephone Company (BRT). BRT's organizational chart is included as Exhibit G. BRT's principle place of business is 1805 N. Dixie Hwy, Lima, OH 45801. BRT is a rural incumbent local

exchange carrier designated as an eligible telecommunications carrier from the Public Utilities Commission of OH, Exhibit H attached. W.A.T.C.H. has a certificate of territorial authority from the Indiana Utility Regulatory Commission, in Exhibit H attached.

W.A.T.C.H. is BRT's subsidiary providing information and VoIP services for those customers in the Connect America Fund Phase II Auction award areas. W.A.T.C.H. plans with the support offered by the Connect America Fund Phase II Auction funds to extend broadband and digital voice services around designated rural markets in Ohio, Indiana, and Illinois. BRT has been selected for an award through the auction and is assigning awarded funding to BRT's wholly owned subsidiary W.A.T.C.H. One requirement of that program is W.A.T.C.H. obtain ETC authority in each state. W.A.T.C.H. is seeking an expeditious order from this Commission so that it may begin to provide service to eligible customers pursuant to the Connect America Fund Phase II Auction as soon as possible.

W.A.T.C.H. will utilize fixed wireless technology to offer information and VoIP to enterprise, anchor institutions and rural subscribers with speeds of up to 100 Mbps downstream and 20 Mbps upstream or 25 Mbps downstream and 3 Mbps upstream. W.A.T.C.H will provide voice service at rates consistent with the requirement for receiving CAF Support. Consistent with section 254(b) of the Communications Act of 1934, as amended, the Commission emphasized that ETCs must offer voice telephony services at rates that are reasonably comparable to urban rates.

All correspondence including pleadings, notices, orders and decisions regarding this application are to be addressed to:

W.A.T.C.H. TV Company
Ken Williams
1805 N. Dixie Hwy
Lima, OH 45801

Connect America Fund Phase II Auction

The Connect America Fund Phase II (Phase II Auction Order)¹ is part of the Federal Communication Commission's (FCC) reform and modernization of the high-cost universal service support program providing expanded access to voice and broadband services in high cost areas. The Phase II Auction Order utilized competitive bidding to allocate up to \$1.98 billion of support over 10 years (Auction 903). Auction 903 was the first FCC auction to award ongoing high-cost universal service support through competitive bidding. The FCC made high cost census block groups in states where price cap carriers declined an earlier offer of model-based support and other unserved areas nationwide (excluding NY, AK, PR, VI) that are not serviced by an unsubsidized service provider eligible for Auction 903. Winning bidders will be required to offer voice and broadband service at or above specific performance levels including Lifeline. They will also be required to file annual reports on their deployment status in addition to obtaining ETC status within 180 days of being announced as winning bidders. BRT applied for and received an annual award of \$5,237,182 for 10 years in equal monthly installments². Per paragraph 10 of the Phase II Auction Order Public Notice announcing the Winning Bidders³ attached in Exhibit I BRT is allowed to assign its winning bids to a related entity named on the short form application.

¹ Connect America Fund, ETC Annual Reports and Certification, Rural Broadband Experiments, Connect America Fund Phase II Auction, FCC 18-5

² See *Connect America Fund Phase II Auction (Auction 903) Closes*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice Released August 28, 2018 (*Phase II Auction Order*), Attachment A

³ *Id.* para 10

A winning bidder may only assign its winning bids to a related entity that is named in its short-form application or that was formed after the short-form application deadline (i.e., March 30, 2018). The Auction Application System will not permit a winning bidder to assign its winning bids to another winning bidder. A related entity is an entity that is controlled by the winning bidder or is a member of (or an entity controlled by a member of) a consortium/joint venture of which the winning bidder is a member. Thus, if a holding company/parent company is a winning bidder in Auction 903, the winning bidder may designate at least one operating company that it controls to complete the long-form application to receive Phase II support for some or all of the winning bids in a state. If a consortium/joint venture is a winning bidder in Auction 903, the entity may designate at least one member of (or an entity controlled by a member of) the consortium/joint venture to complete the long-form application to receive Phase II support for some or all of the winning bids in a state.

BRT is electing to assign the winning bids to W.A.T.C.H. The Phase II Auction Order requires W.A.T.C.H. to become an ETC as a condition to receive the funding. W.A.T.C.H. is thus requesting ETC designation be granted to it in this request for the specific purpose of receiving funding under the Phase II Auction Order. This auction is providing the industry and Commission the ability to provide broadband and voice services in designated rural areas. As the FCC has indicated, these services can be provided through a combination of broadband and voice telephony services and can be accomplished through the use of different technologies such as fixed wireless technology provided by W.A.T.C.H.

FCC Review

Pursuant to the *CAF II Auction Requirements Order*⁴, the FCC is responsible for reviewing the operational history and the financial statements of W.A.T.C.H. Since the applicant has provided voice and/or broadband services for at least two years, it was required to submit with its short-form application qualified operating or financial reports that it (or its parent company, if it is a wholly owned subsidiary) filed with the relevant financial institution in 2016 and 2017 that demonstrate that the applicant (or its parent company) has been operating for at least two years.⁵

In addition, the FCC adopted the proposal to require all applicants to report on their short-form application certain metrics from their financial statements (audited or unaudited) from the prior fiscal year being submitted with the applications. These metrics were to demonstrate that an applicant had sufficient financial qualifications to participate in the Phase II auction to minimize the number of winning bidders that default because they are unable to meet the long-form application requirements. Winning bidders will be required to provide additional, more specific evidence of their financial qualifications at the long-form application stage to demonstrate that they have the financial qualifications to meet the Phase II public interest obligations.

The FCC also required applicants to submit in its short-form application sufficient operational information regarding its experience providing voice, broadband, and/or electric distribution or transmission service and its plans for provisioning service if awarded support.⁶

⁴ See *Connect America Fund Phase II Auction Schedule for July 24, 2018, Notice and Filing Requirements and Other Procedures for Auction 903*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, Released February 1, 2018 (*CAF II Auction Requirements Order*).

⁵ *Id.*, para 42.

⁶ *Id.*, para 65.

Such information was meant to demonstrate that an applicant has the technical qualifications to bid for specific performance tier and latency combinations. Specifically, the FCC required that an applicant must submit high-level operational information to complete its operational showing and demonstrate that it can be expected to be reasonably capable of meeting the public interest obligations (e.g., speed, usage, latency, and service milestones) for each performance tier and latency combination selected.

Since the applicant intends to use radiofrequency spectrum to offer its voice and broadband services, it was required to submit information regarding whether the spectrum to which it has access will enable it to meet the public interest obligations for each performance tier and latency combination that it selects in its application.⁷ In addition, the FCC's Phase II auction rules required any applicant that plans to use spectrum to demonstrate that it has (i) the proper spectrum use authorizations, if applicable; (ii) access to operate on the spectrum it intends to use; and (iii) sufficient spectrum resources to cover peak network usage and meet the minimum performance requirements to serve the fixed locations in eligible areas.⁸

Pursuant to the FCC rules and as proposed in the *CAF II Comment Public Notice*, each long-form applicant will be required to demonstrate that it is technically qualified to meet the relevant Phase II public interest obligations in the areas covered by the winning bids by submitting technical information to support the operational assertions made in the short-form application.⁹ A

⁷ *Id.*, para 86.

⁸ *Id.*, para 87.

⁹ *Id.*, para, 298.

long-form applicant is required to submit a detailed technology and system design description, including a network diagram that must be certified by a professional engineer.¹⁰ The professional engineer must certify that the network can deliver, to at least 95 percent of the required number of locations in each relevant state, voice and broadband service that meets the requisite performance requirements.

Finally, as part of the FCC's requirement, within 60 days after the release of the Auction 903 closing public notice, a long-form applicant must submit a letter from a bank acceptable to the Commission, as set forth in section 54.315(b)(3), committing to issue an irrevocable stand-by letter of credit, in the required form, to the long-form applicant.¹¹ The letter must, at a minimum, provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of the Commission's model letter of credit in Appendix B of the Phase II Auction Order.¹²

Federal Act

Pursuant to Section 214(e)(2) of the Act, a state commission may upon its own motion or request designate a common carrier to be an "eligible telecommunications carrier" for the purposes of receiving universal service support under the Act. Section 214(e)(2) requires the designated carrier meet the requirements of Section 214(e)(1). Section 214(e)(1) states:

¹⁰*Id*

¹¹ 47 CFR § 54.315(b)(3), (c)(2). *See also id.* § 54.315(c); *Phase II Auction Order*, 31 FCC Rcd at 5989-99, paras. 119-40 (describing the letter of credit requirements).

¹² 47 CFR § 54.315(b)(3); *See also Phase II Auction Order*, 31 FCC Rcd at 6045-49, Appx. B.

A common carrier designated as an eligible telecommunications carrier...shall be eligible to receive universal service support in accordance with section 254 and shall throughout the service area for which the designation is received –

- A) Offer the services that are supported by the Federal universal service support mechanism under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the service offered by another eligible telecommunications carrier); and
- B) Advertise the availability of such services and the charges therefore using a media of general distribution.

Section 54.201(b) of the FCC's Rules states that the state commission shall, on its own motion or upon request, designate a common carrier as an ETC as long as the carrier meets the requirements of Section 54.201(d), which restates the requirements found in Section 214(e)(1) of the Act. Section 214(e)(2) of the Act and Section 54.201(c) of the FCC's Rules state that the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area the state commission designates, provided each additional requesting carrier satisfies Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's Rules. Before designating an additional ETC for an area served by a rural telephone company, the commission shall find that such designation is in the public interest.

Designated Service Area

In the Phase II Auction Order, the FCC identified census block groups to be designated as available for additional support through Auction 903 as noted in the Phase II Auction Order Public Notice shown below:

1. By this Public Notice, the Rural Broadband Auctions Task Force, Wireless Telecommunications Bureau (WTB), and Wireline Competition Bureau (WCB) announce that bidding in the Connect America Fund Phase II (Phase II) auction (Auction 903) concluded on August 21, 2018. There were 103 winning bidders in the auction, with the

10-year support amount totaling \$1.488 billion and covering 713,176 locations in 45 states. Of the 974,223 locations in the 30,033 eligible census block groups (CBGs), approximately 73 percent of the locations are covered by winning bids. While winning bids are for a range of performance tiers, winning bids for downstream speeds of at least 100 megabits per second (Mbps) cover 53 percent of these locations. And over 99.7 percent of these locations will receive at least 25 Mbps downstream speeds, more than twice the 10 Mbps minimum standard for the Connect America Fund program¹³.

Per the award notice, BRT was awarded the following number of census block groups, locations, and associated funding:

State	# of Census Block Groups	# of locations	Annual Support Assigned	Total 10 Year Support
IL	147	6,041	\$ 2,436,614	\$ 24,366,144
IN	201	11,537	\$ 1,488,368	\$ 14,883,685
OH	150	6,379	\$ 1,312,199	\$ 13,121,990
Total	498	23,957	\$ 5,237,182	\$ 52,371,819

BRT is assigning its winning bid to its wholly owned subsidiary W.A.T.C.H and is thus requesting ETC designation in the associated census block groups which were made available through the Phase II Auction Order and are noted in Exhibit J where a complete listing of requested census block groups and map depiction is located.

The census blocks and associated wire centers W.A.T.C.H. is requesting ETC status are in census blocks that were unserved and underserved by price cap carriers and were included in the CAF Phase II Auction. Thereafter, the FCC adopted a series of additional orders and conducted a challenge process to identify the census blocks that were unserved with voice and broadband of at

¹³ See *CAF Phase II Auction Order*, para 1

least 10 Mbps download and 1 Mbps upload speeds. The price cap carriers in these census blocks are AT&T Ohio, United of Indiana, Windstream Ohio, Cincinnati Bell, Frontier, CenturyLink, Frontier North and Windstream Western Reserve.

W.A.T.C.H. requests ETC designation for the service area that includes the census block groups as required by the Phase II Auction Order and noted in the Phase II Auction Order Award Public Notice:

By February 25, 2019, the long-form applicant must obtain from all the relevant states or the Commission a high cost ETC designation(s) that cover its winning bid areas and upload the required documentation and a certification letter to its FCC Form 683. 47 CFR § 54.315(b)(5); *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1519, para. 310; *Phase II Auction Order*, 31 FCC Rcd at 5999, 6002-05, paras. 141, 149-56.¹⁴

Requirements for ETC Designation

A. W.A.T.C.H. will offer the services that are supported by federal universal support mechanisms throughout the service area for which ETC designation is received.

W.A.T.C.H. commits to provide voice telephony services and broadband services supported by the federal universal service support mechanisms. W.A.T.C.H. broadband internet access is a mass market retail service by wire or radio that provides the capability to transmit data and to receive data from all or substantially all internet end points, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial up service. W.A.T.C.H. is also committing to provide voice telephony service defined as voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government and or other public safety organizations, such as 911 and enhanced 911, to the extent

¹⁴ *Id.*, FN 11

the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers in accordance with CFR §54.101.

i. Voice grade access to the public switched network

In its USF/ICC Transformation Order, the FCC modified the definition of a supported service to a technologically neutral approach, allowing companies to provision voice service over any platform, including the PSTN and IP networks¹⁵. Thus, the FCC amended Section 54.101 to specify that the functionalities of eligible voice telephony services include voice grade access to the public switched network or its functional equivalent¹⁶. The FCC further explained that increasingly “consumers are obtaining voice services not through traditional means but instead through interconnected VoIP providers offering service over broadband networks¹⁷.” Interconnected VoIP services “allow customers to make real-time voice calls to, and receive calls from, the PSTN, and increasingly appear to be viewed by consumers as substitutes for traditional voice telephone services”¹⁸. Thus, the FCC concluded that its authority to promote universal services in this context “does not depend on whether interconnected VoIP services are telecommunications services or information services under the Communications Act¹⁹.”

¹⁵ See *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, 26 FCC Rcd 17663, 17692-93 (2011) (“USF/ICC Transformation Order”).

¹⁶ *Id.*; See also 47 C.F.R. §54.101(a).

¹⁷ See *USF/ICC Transformation Order*, para 63.

¹⁸ *Id.*

¹⁹ *Id.*

W.A.T.C.H. will therefore provide voice grade access to the PSTN by providing interconnected VoIP service throughout the designated service area.

ii. Minutes of Use

“Local Usage” means an amount of minutes of use of exchange services, prescribed by the FCC, provided for free of charge to end users.”²⁰ The FCC has not specified a minimum amount of local usage that an ETC must offer. W.A.T.C.H. will meet the local usage requirement by including local usage in its rate plans. The company will comply with any minimum local usage requirements adopted by the FCC or this Commission.

iii. Access to Emergency Services

ETCs are required to provide access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 (“E911”), to the extent the local government in the ETC’s service area has implemented 911 or enhanced 911 systems. W.A.T.C.H. will provide access to emergency services by providing 911 and E911 for all of its customers to the extent that the local governments in its designated service areas have implemented 911 and E911. Upon activation of the customer, W.A.T.C.H. will provide all customers with a notification containing clear instruction on the use of emergency services and limitations, if any, in their location.

W.A.T.C.H. provides the customer address to provider Alianza. Through an agreement with Alianza, Alianza will manage, provision, store 911 records and route calls to the correct PSAP. W.A.T.C.H. VoIP service requires an Internet Protocol connection to the Alianza service

²⁰ See 47 C.F.R. § 54.101(a)(2)

network and 120VAC power to function. In the event of failure of the IP connection or local AC power, the service, including the E911 feature, will not function. W.A.T.C.H. is not intended to be a nomadic or mobile service. The end users registered service address is the only location at which the subscriber is authorized to use the service. The service will work if the ATA is moved to another location within the U.S. and connected to a public Internet connection; however, this is only authorized when the subscriber updates their service address prior to using the service at the new location by calling W.A.T.C.H. customer support. W.A.T.C.H. service includes enhanced 911 services. When service is initially provisioned, and any time the subscribers service address is updated, the service location is automatically transmitted to a third party E911 provider who geocodes the address, associates it with a local public safety answering point (PSAP), provides an electronic positive affirmation of the address and stores the record on our behalf. When a caller dials 911, the call is routed to the third party 911 provider and then from there to the local PSAP. The location information is transmitted in the call signaling to the local PSAP, and is visible to the operator in E911 enabled PSAPs. In areas where an E911 service fee is imposed on the interconnected VoIP services by law, the fee is passed through to the end user and remitted to the local authority in accordance with applicable policy. In addition to local fee pass through, W.A.T.C.H. charges a recovery fee of \$1 to subscribers to offset the cost of providing the E911 service. W.A.T.C.H. will provide to the customer the detailed emergency services information and will receive an affirmative acknowledgement from the customer that they are aware and understand the 911 service and limitations it may have in their location.

iv. Toll Limitation for Qualifying Low-Income Consumers

W.A.T.C.H. does not distinguish between toll and non-toll for its voice offering. To the extent W.A.T.C.H. offers a service that distinguishes between toll and non-toll calls, it will offer toll limitation to qualifying low-income consumers at no additional charge.

W.A.T.C.H. will comply with the requirements of 47 USC 214(e)(1)

W.A.T.C.H. commits to throughout its service area: A) offer supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier)” and B) advertise the availability of such services and the charges therefor using media of general distribution.

- i. W.A.T.C.H. will use its own facilities or a combination of its own facilities provided by another carrier to provide the supported services.

W.A.T.C.H. provides high-speed broadband and digital services to residential, commercial and enterprise customers utilizing a combination of unlicensed and licensed frequencies. W.A.T.C.H. has deployed a next generation fixed wireless network and targets rural markets outside of metropolitan areas that are either unserved or underserved. W.A.T.C.H. owns and/or leases 2.5 Ghz licensed spectrum in Ohio. Currently, W.A.T.C.H. has non-exclusive 3.65 Ghz spectrum licenses in Ohio and Indiana with plans to expand into Illinois. W.A.T.C.H. may also participate in new spectrum offerings as available from the FCC. W.A.T.C.H. maintains a large fixed wireless broadband network in the region, providing high speed broadband and digital telephone services to residential, commercial and enterprise customers utilizing a combination of unlicensed and licensed frequencies. W.A.T.C.H. has deployed a next generation fixed wireless network and targets rural markets outside of metropolitan areas that are either unserved or underserved. With this robust fixed wireless network in place, VoIP customers will enjoy clear

and reliable voice service. The network is built with redundant paths to provide overall network stability.

- ii. W.A.T.C.H. will advertise the availability of its service throughout its service area.

W.A.T.C.H. will advertise availability of the Supported Services throughout its designated services areas using media of general distribution in a manner that is designated to reach those likely to qualify for such services. W.A.T.C.H. agrees to comply with all form and content requirements, if any, promulgated by the FCC and the Commission in the future and required of all designated ETCs.

W.A.T.C.H. is currently working on its pricing model for the CAF Phase II auction territories. Broadband service will be available to the highest speed. The pricing structure will be comparable to the local urban rates as required by paragraph 18 of the Auction notice “Consistent with Section 254(b) of the Communications Act of 1934, as amended, the Commission emphasized that ETCs must offer voice telephone services at rates that are reasonably comparable to urban rates.” For example, the voice 2018 Urban Average Monthly Rate (Rate Floor) is \$25.50, therefore the reasonable comparability benchmark for voice services, two standard deviations above the urban average, is \$45.38 as stated in DA 17-1093, released November 8, 2017. For broadband, 100 Mbps downstream and 20 Mbps upstream, the rate floor is \$127.89 according to the notice.

W.A.T.C.H. will comply with the FCC's additional eligibility criteria contained in 47 CFR 47 §54.202

W.A.T.C.H. certifies that it will comply with the service requirements applicable to the support that it receives;

Upon designation as an ETC, W.A.T.C.H. will satisfy all consumer protection and service quality standards as provided in 47 CFR 47 §54.202(a)(3), as well as all applicable state specific consumer protection and service quality standards.

W.A.T.C.H. will provision service that is able to remain functional in emergency situations within industry standards for VoIP services;

In accordance with 47 C.F.R. § 54.202(a)(2), W.A.T.C.H. certifies to remaining functional in emergency situations, and certifies that the network over which our customers' service is provided is capable of remaining functional in such situations. W.A.T.C.H. has demonstrated its ability to remain functional in emergency situations. Specifically, W.A.T.C.H. has contracted with underlying wholesale providers in multiple geographical locations served by varying power utility companies. Additionally, each of these facilities have back-up power generation to ensure functionality without an external power source. Via contracted and company owned locations, W.A.T.C.H. can reroute traffic around damaged facilities due to redundant fiber servicing each of its facilities. Lastly, W.A.T.C.H.s' network is engineered to manage traffic spikes resulting from emergency situations.

Make Available Lifeline Service to Eligible Low-Income Consumers

Upon designation as an ETC and receipt of the Phase II Auction Order, W.A.T.C.H. will make available to qualified low-income consumers a discounted service offering that meets all applicable Lifeline requirements, as required by 47 CFR 47 §54.405(a). Eligible Lifeline

subscribers will receive a credit of \$9.25 or any such amount as defined by the Lifeline Program rules.

Designation of W.A.T.C.H. as an ETC is within the public interest

Designation of W.A.T.C.H. as an ETC will serve the public interest by facilitating the FCC's goal of developing voice and broadband networks in rural, high-cost areas. Under the 1996 Act, "upon request and consistent with public interest, convenience and necessity" the state commission shall "designate more than one common carrier as an eligible telecommunications carrier for a service area designated" by the state commission.²¹ Before such a designation, the state commission shall find that the designation is in the public interest.²² In its *2005 ETC Order*, the FCC determined that the benefits of increased consumer choice, and the unique advantages of the applicant's service offerings are components of a public interest analysis.²³

Expedited designation of W.A.T.C.H. will serve the public interest by ensuring that W.A.T.C.H. is eligible to receive federal USF support, including through the FCC's high-cost programs. W.A.T.C.H. will use this funding to directly advance the FCC's goal of deploying voice and broadband-capable networks in rural, high cost areas while ensuring that rural consumers and anchor institutions benefit from innovations in communications technology. In particular, W.A.T.C.H. will use federal USF support to expand access to high-speed quality broadband and voice provided through interconnected VoIP. These advanced communications services will

²¹ See 47 C.F.R. 54.201(c).

²² *Id.*

²³ See *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 05-46, 20 FCC Rcd 6371, 6389 (rel. Mar. 15, 2005) ("2005 ETC Order").

provide important connectivity to residents and business, and are a unique alternative to services provided by traditional wireline carriers within the W.A.T.C.H. designated service area.

Designation of W.A.T.C.H. as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and incenting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service quality for residents of underserved communities. W.A.T.C.H.'s services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.


Deployment Information

W.A.T.C.H. must file deployment data with USAC's HUBB (High Cost Universal Broadband) portal showing where they are building out mass-market, high speed internet service by precise location. This information includes latitude and longitude coordinates for every location where service is available. This public information is currently available on the USAC website at the following url: <https://data.usac.org/publicreports/caf-map/>

Request for Expedited Consideration

As stated above, Benton Ridge Telephone Company has been awarded funds in the Phase II Auction Order. BRT is assigning its winning bid to BRT's subsidiary W.A.T.C.H. As noted in the public notice announcing the Auction 903 winners, W.A.T.C.H. is required to attain ETC status by February 25, 2019. Since the FCC requires all winning carriers to be designated or conditionally designated as ETC's by this date, W.A.T.C.H. respectfully requests an expeditious order designating W.A.T.C.H. as an ETC for the specific purpose of being eligible to receive federal funding pursuant to the Phase II Auction Order and other such relief as this board deems to be just and equitable.

Respectfully Submitted



W.A.T.C.H. TV Company
Ken Williams
1805 N. Dixie Hwy
Lima, OH 45801
419-879-1106
kenw@watchtv.net

²⁵ See CostQuest Associates, Inc., Connect America Cost Model: Model Methodology 12-15 (Dec. 22, 2014), <https://transition.fcc.gov/wcb/CAM%20v.4.2%20Methodology.pdf> (CAM Methodology).

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit A

W.A.T.C.H is requesting a waiver of State Required Milestone Reporting requirements under separate cover.

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit B

NOT APPLICABLE

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit C

W.A.T.C.H. will provision service that is able to remain functional in emergency situations

In accordance with 47 C.F.R. § 54.202(a)(2), W.A.T.C.H. certifies to remaining functional in emergency situations, and certifies that the network over which our customers' service is provided is capable of remaining functional in such situations. W.A.T.C.H. has demonstrated its ability to remain functional in emergency situations. Specifically, W.A.T.C.H. has contracted with underlying wholesale providers in multiple geographical locations served by varying power utility companies. Additionally, each of these facilities has back-up power generation to ensure functionality without an external power source. Via contracted and company owned locations, W.A.T.C.H. can reroute traffic around damaged facilities due to redundant fiber servicing each of its facilities. Lastly, W.A.T.C.H.'s network is engineered to manage traffic spikes resulting from emergency situations.

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit D

Local Usage Plan

“Local Usage” means an amount of minutes of use of exchange services, prescribed by the FCC, provided for free of charge to end users. The FCC has not specified a minimum amount of local usage that an ETC must offer. W.A.T.C.H. will meet the local usage requirement by including local usage in its rate plans. The company will comply with any minimum local usage requirements adopted by the FCC or this Commission.

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit E

Designation of W.A.T.C.H. as an ETC is within the public interest

Designation of W.A.T.C.H. as an ETC will serve the public interest by facilitating the FCC's goal of developing voice and broadband networks in rural, high-cost areas. Under the 1996 Act, "upon request and consistent with public interest, convenience and necessity" the state commission shall "designate more than one common carrier as an eligible telecommunications carrier for a service area designated" by the state commission.²⁸ Before such a designation, the state commission shall find that the designation is in the public interest.²⁹ In its *2005 ETC Order*, the FCC determined that the benefits of increased consumer choice, and the unique advantages of the applicant's service offerings are components of a public interest analysis.³⁰

Expedited designation of W.A.T.C.H. will serve the public interest by ensuring that W.A.T.C.H. is eligible to receive federal USF support, including through the FCC's high-cost programs. W.A.T.C.H. will use this funding to directly advance the FCC's goal of deploying voice and broadband-capable networks in rural, high cost areas while ensuring that rural consumers and anchor institutions benefit from innovations in communications technology. In particular, W.A.T.C.H. will use federal USF support to expand access to high-speed quality broadband and voice provided through interconnected VoIP. These advanced communications services will

²⁸ See 47 C.F.R. 54.201(c).

²⁹ *Id.*

³⁰ See *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 05-46, 20 FCC Rcd 6371, 6389 (rel. Mar. 15, 2005) ("2005 ETC Order").

provide important connectivity to residents and business, and are a unique alternative to services provided by traditional wireline carriers within the W.A.T.C.H. designated service area.

Designation of W.A.T.C.H. as an ETC is also in the public interest because it will promote increased competitive choice, thereby increasing innovation and incenting other carriers to improve their existing networks in order to remain competitive. This will result in greater access to high-speed broadband and voice services, as well as improved service quality for residents of underserved communities. W.A.T.C.H.'s services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

Exhibit F

W.A.T.C.H. will utilize similar language as BRT utilizes. See BRT Advertising below.

ublic; State of Ohio
mission Expires February 13, 2021

PUBLIC NOTICE

**Supported Services for the 398, 653, and 859
Telephone Exchange Areas**

Did you know Benton Ridge Telephone Company is offering basic telephone service in your area?

Now, customers can receive single party, voice grade telephone service, including touch-tone and access to: 1) long distance; 2) operator services; 3) directory assistance; and 4) E911 emergency service, where available, for just \$21.59 for residential and \$30.77 for non-residential a month.

Also, additional monthly discounts and free toll limitation services are available to residential customers who are enrolled in certain low-income assistance programs.

For more information on these services and benefits, contact your Benton Ridge Telephone Company representative at 419-859-2144.

Lifeline Telephone Assistance Program

Benton Ridge Telephone Company ("BRTC") provides the Lifeline Telephone Assistance Program for qualifying subscribers. Lifeline makes basic local telephone service more affordable for income-eligible families by providing a monthly service discount on telephone service and optional toll blocking to reduce or limit long-distance charges.

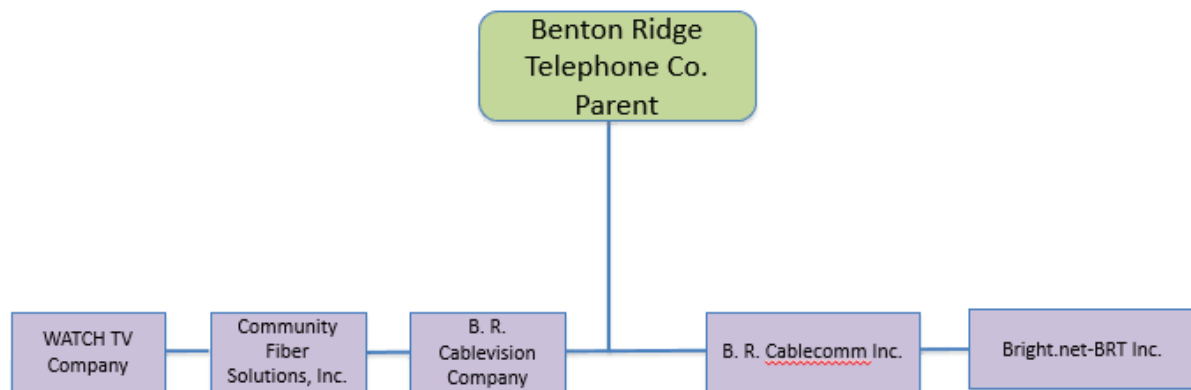
To qualify for Lifeline, subscribers must either have a household income that is at or below 150 percent of the Federal Poverty Guidelines, or the subscriber, one or more of the subscriber's dependents, or the subscriber's household must receive benefits from one of the following assistance programs: 1) Medicaid; 2) Federal Public Housing Assistance (Section 8); 3) Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps); 4) SSI - Blind and Disabled (SSDI); or 5) Veterans Pension & Survivors Benefit.

BRTC's voice service is a Lifeline-supported service. Only eligible consumers may enroll in the Lifeline program. Lifeline applicants must present documentation demonstrating eligibility either through participation in one of the qualifying federal assistance programs or through income-based means. Lifeline recipients are required to recertify their eligibility every year. The Lifeline program is limited to one benefit per household, consisting of either wireline or wireless service. A household is defined, for purposes of the Lifeline program, as an individual or group of individuals who live together at the same address and share income and expenses. Lifeline is a government benefit program, and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

The basic services described above are offered to all consumers in BRTC's service area (the 398, 653, and 859 telephone exchanges). If you have any questions regarding telecommunications services, please call BRTC's office at 419-

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit G

Corporate Structure



W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit H

Benton Ridge Telephone Company ETC from the State of Ohio

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission)	
Investigation of the Intrastate Universal)	Case No. 97-632-TP-COI
Service Discounts.)	

SUPPLEMENTAL FINDING AND ORDER

The Commission finds:

- (1) The Telecommunications Act of 1996 (1996 Act) provides for the states and the Federal Communications Commission (FCC) to work together to preserve and advance universal service, consistent with the evolving competitive environment in the telecommunications industry. Pursuant to the 1996 Act, the FCC established a joint board of state and federal regulators (joint board) to recommend changes to the FCC's existing universal support mechanisms. These changes were intended to advance the universal service support stated in the 1996 Act and other principles that the joint board believes are necessary and appropriate for the protection of the public interest, convenience and necessity and are consistent with the 1996 Act.
- (2) On May 7, 1997, the FCC issued a Report and Order in CC Docket 96-45 (96-45) (*In the Matter of Federal-State Board on Universal Service*) adopting rules to promote universal service consistent with the requirements of the 1996 Act. In its 96-45 decision, the FCC, among other things, set forth parameters for the states to determine those carriers eligible to receive federal universal service support. The states were further to determine those carriers that should be classified as rural carriers or non-rural carriers for the purpose of federal universal service support consistent with the Communications Act of 1934 (SEC. 3 [47 USC §153(37)]), as amended by the 1996 Act. Moreover, the states were instructed to provide the FCC, by no later than January 1, 1998, a list of carriers certified as eligible telecommunications carriers for the purposes of receiving federal universal service support.
- (3) On November 20, 1997, the Commission in the above captioned proceeding, consistent with the FCC's 96-45 decision, adopted filing procedures for carriers seeking status as either a rural or non-rural eligible telecommunications

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Ann M. Rex Date Processed Dec 19, 1997

carrier for the purpose of receiving federal universal service funding.

- (4) The following incumbent local exchange carriers have filed applications for status as a rural eligible telecommunications carrier consistent with the Commission's November 20, 1997 Finding and Order in this proceeding:

Arcadia Telephone Company
Arthur Mutual Telephone Company
Ayersville Telephone Company
The Benton Ridge Telephone Company
Bascom Mutual Telephone Company
Buckland Telephone Company
Century Telephone of Ohio, Inc.
The Champaign Telephone Company
The Chillicothe Telephone Company
Columbus Grove Telephone Company
The Conneaut Telephone Company
Continental Telephone Company
Doylestown Telephone Company
Farmers Mutual Telephone Company
Fort Jennings Telephone Company
Frontier Communications of Michigan, Inc.
The Germantown Independent Telephone Company
The Glandorf Telephone Company, Inc.
Kalida Telephone Company, Inc.
Little Miami Telephone Corporation
McClure Telephone Company
Middle Point Home Telephone Company
Minford Telephone Company
The New Knoxville Telephone Company
The Nova Telephone Company
Oakwood Telephone Company
Orwell Telephone Company
The Ottoville Mutual Telephone Company
Pattersonville Telephone Company
The Ridgeville Telephone Company
Sherwood Mutual Telephone Company
The Sycamore Telephone Company
Telephone Service Company
Vanlue Telephone Company
Vaughnsville Telephone Company
Wabash Mutual Telephone Company

- (5) The following incumbent local exchange carriers and new entrant carriers (NECs) have filed applications for status as a nonrural eligible telecommunications carrier consistent with the Commission's November 20, 1997 Finding and Order in this proceeding:

Ameritech Ohio
Brooks Fiber Communications
Cincinnati Bell Telephone Company
GTE North Incorporated
ICG Telecomm Group, Inc.

- (6) The Commission's Staff has reviewed the applications for eligible telecommunications carrier status, identified in Findings (4) and (5) above, and has concluded that they are consistent with the requirements of the 1996 Act, the FCC's decisions in 96-45, and the Commission's November 20, 1997 Finding and Order in this proceeding. Staff, therefore, recommends their approval by the Commission.
- (7) The Commission concurs with Staff's recommendation and, therefore, finds the applications for eligible telecommunications carrier status filed by the companies listed in Findings (4) and (5) above should be approved. The Commission notes that our approval of the applications for rural carrier status for purposes of federal universal service funding consistent with the Communications Act of 1934 (SEC. 3 [47 USC §153(37)]), as amended by the 1996 Act, is not determinative of whether an exemption for a rural telephone company should continue subsequent to receiving a bona fide request for interconnection services or unbundled network elements pursuant to 47 U.S.C. §251(f)(1) or §251(c).

It is, therefore,

ORDERED, That, consistent with Finding (7), the applications for rural eligible telecommunications carrier identified in Finding (4) and the applications for nonrural telecommunications carrier identified in Finding (5) for the purpose of federal universal support shall be approved. It is, further,

ORDERED, That nothing contained in this Supplemental Finding and Order shall be deemed binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

Benton Ridge Telephone Company Certificate of Authority from the State of IN

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

W.A.T.C.H. TV COMPANY APPLICATION)
FOR A CERTIFICATE OF TERRITORIAL) CAUSE NO. 44076
AUTHORITY FOR COMMUNICATIONS)
SERVICE PROVIDERS) APPROVED: DEC 21 2011

ORDER OF THE COMMISSION

Presiding Officer:

Loraine L. Seyfried, Chief Administrative Law Judge

On September 26, 2011, W.A.T.C.H. TV Company ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("CTA") to provide communications services, specifically information services as defined in 47 U.S.C. 153(20),¹ as described in the Application within the State of Indiana. The Commission published notice that Applicant filed an application for a CTA to provide communications services within the State of Indiana. Absent a timely request, the Application may be granted without a hearing.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

1. Commission Notice and Jurisdiction. Due, legal and timely notice of the Application was given and published by the Commission in accordance with General Administrative Order ("GAO") 2011-2 and Ind. Code § 8-1-32.5-9. Applicant requests the issuance of a CTA pursuant to Ind. Code ch. 8-1-32.5 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause.

2. Commission Discussion and Findings. The Applicant filed an application for a CTA and information describing its proposed communications services in the State of Indiana.

The Application was filed with the Commission on September 26, 2011. Notice of the Application was posted to the Commission's website. No timely written request for intervention or a hearing was made by any entity during the 30-day posting period, and the Commission has not, on its own motion, determined a need for a hearing in this Cause. Accordingly, no hearing is required in this Cause.

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for communications services, specifically information services, proposed to be offered in the Application should be issued to the Applicant, consistent with and subject to the following findings.

The Applicant shall comply with all applicable legal requirements pertaining to the provision of the communications services authorized by this CTA, including, but not limited to,

¹ The definition of information service referenced and cited in Indiana Code ch. 8-1-32.5 as 47 U.S.C. 153(20) was amended October 8, 2010 by Public Law 111-260. P.L. 111-260 added seven new definitions to 47 U.S.C. 153. The definition of information service was not changed, but redesignated as 47 U.S.C. 153(24). The current version of Indiana Code ch. 8-1-32.5 refers to the definitions in 47 U.S.C. 153 prior to its amendment.

the following:

a. **Notice of Initiation of Service.** Pursuant to Ind. Code §§ 8-1-32.5-6(b)(3)(D) and 8-1-32.5-6(a)(9)(A), Applicant shall file a notice with the Secretary of the Commission of Applicant's "in service" date (i.e., the date on which Applicant commences offering communications service) within ninety (90) days of the "in service" date.

b. **Additional Filing Requirements.** Applicant shall file any other data, information, or reports required or requested by the Commission, including but not limited to information concerning the types of service offered, the areas in which the services are offered and any information needed by the Commission.

c. **Indiana Underground Plant Protection Service.** To the extent Applicant owns, maintains, or otherwise has control over underground facilities, Applicant shall establish and maintain contact with, and provide appropriate notice to, the Indiana Underground Plant Protection Service, the designated administrator of the 811 dialing code in Indiana, and comply with Ind. Code ch. 8-1-26.

d. **Notice of Changes.** Applicant shall notify the Commission, pursuant to Ind. Code § 8-1-32.5-12, of any change involving either the Applicant or the CTA occurring after the issuance of this CTA. Such notice shall be provided using a Notice of Change form in accordance with GAO 2011-2. If the change involves the provision of other types of services than those approved herein or the reclassification of a communications service approved in this CTA, additional obligations and fees may apply.

e. **Other Customer Notifications.** Applicant shall provide appropriate notice to customers when Applicant offers new communications services, discontinues communications services, and/or increases rates and charges for communications services in any of the Applicant's service areas in Indiana pursuant to Ind. Code § 8-1-32.5-11(b) and any regulations adopted by the Commission.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

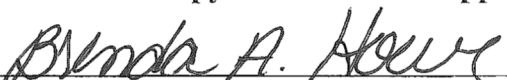
1. Subject to the Findings set forth in this Order, the Applicant W.A.T.C.H. TV Company is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide information services as requested in the Application that is the subject of this Order.

2. This Order shall be effective on and after the date of its approval.

BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR; ATTERHOLT ABSENT:

APPROVED: DEC 21 2011

**I hereby certify that the above is a true
and correct copy of the Order as approved.**


Brenda A. Howe, Secretary to the Commission

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
Exhibit I

Phase II Auction Order Reference assignment of auction funds

8. Winning bidders that intend to file a long-form application covering all their winning bids are not required to participate in the Divide Winning Bids process.⁴ Any winning bidder that does not submit the Divide Winning Bids portion of FCC Form 683 prior to 6:00 p.m. ET on September 14, 2018, must file a long-form application that covers *all* its winning bids. In such circumstances, the winning bidder must file the long-form application in its own name, be designated as the eligible telecommunications carrier (ETC) to serve the relevant areas, be named in the requisite letter(s) of credit, and fulfill the public interest obligations associated with receiving Phase II support.

A. Divide Winning Bids Portion of FCC Form 683

9. Any winning bidder that intends to assign some or all its winning bids to related entities must do so by submitting the Divide Winning Bids portion of the FCC Form 683 during the Divide Winning Bids filing window. The Divide Winning Bids filing window will open at 10:00 a.m. Eastern Time (ET) on Tuesday, September 4, 2018, and close at 6:00 p.m. ET on Friday, September 14, 2018. During this period, a winning bidder will be able to log into the Auction Application System using the FCC Registration Number (FRN) that it used to file its short-form application and complete the Divide Winning Bids portion of FCC Form 683. The instructions in Attachment C explain how a winning bidder can assign its winning bids to related entities.

10. A winning bidder may only assign its winning bids to a related entity that is named in its short-form application or that was formed after the short-form application deadline (i.e., March 30, 2018).⁵ The Auction Application System will not permit a winning bidder to assign its winning bids to another winning bidder. A related entity is an entity that is controlled by the winning bidder or is a member of (or an entity controlled by a member of) a consortium/joint venture of which the winning bidder is a member.⁶ Thus, if a holding company/parent company is a winning bidder in Auction 903, the winning bidder may designate at least one operating company that it controls to complete the long-form application to receive Phase II support for some or all of the winning bids in a state. If a consortium/joint venture is a winning bidder in Auction 903, the entity may designate at least one member of (or an entity controlled by a member of) the consortium/joint venture to complete the long-form application to receive Phase II support for some or all of the winning bids in a state.

11. A winning bidder may assign winning bids to more than one entity in a single state, but it cannot assign a single winning bid to more than one entity.⁷ Thus, a winning bidder may not apportion among multiple entities either: 1) eligible census blocks within a winning bid for an individual census block group, or 2) separate census block groups within a winning package bid.

12. Each entity that is assigned a winning bid through the Divide Winning Bids process is the entity that must file the long-form application portion of FCC Form 683 in its own name, be designated as the eligible telecommunications carrier to serve the relevant area(s), be named in the requisite letter(s) of credit, and fulfill the public interest obligations associated with receiving Phase II support.⁸

13. A winning bidder that assigns some or all its winning bids to a related entity must make a number of certifications in the Divide Winning Bids portion of FCC Form 683. In particular, it must certify and acknowledge that it:

⁴ *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1442-43, para. 37.

⁵ *Id.* at 1442, para. 37 n.75.

⁶ See generally *id.* at 1441, para. 34 (defining a controlling interest for purposes of Auction 903 “as an individual or entity with positive or negative *de jure* or *de facto* control”); see also 47 CFR § 1.2105(a)(4)(i) (defining *de jure* and *de facto* control).

⁷ *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1442, para. 37.

⁸ *Id.* at 1442-43, para. 37.

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
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Exhibit J

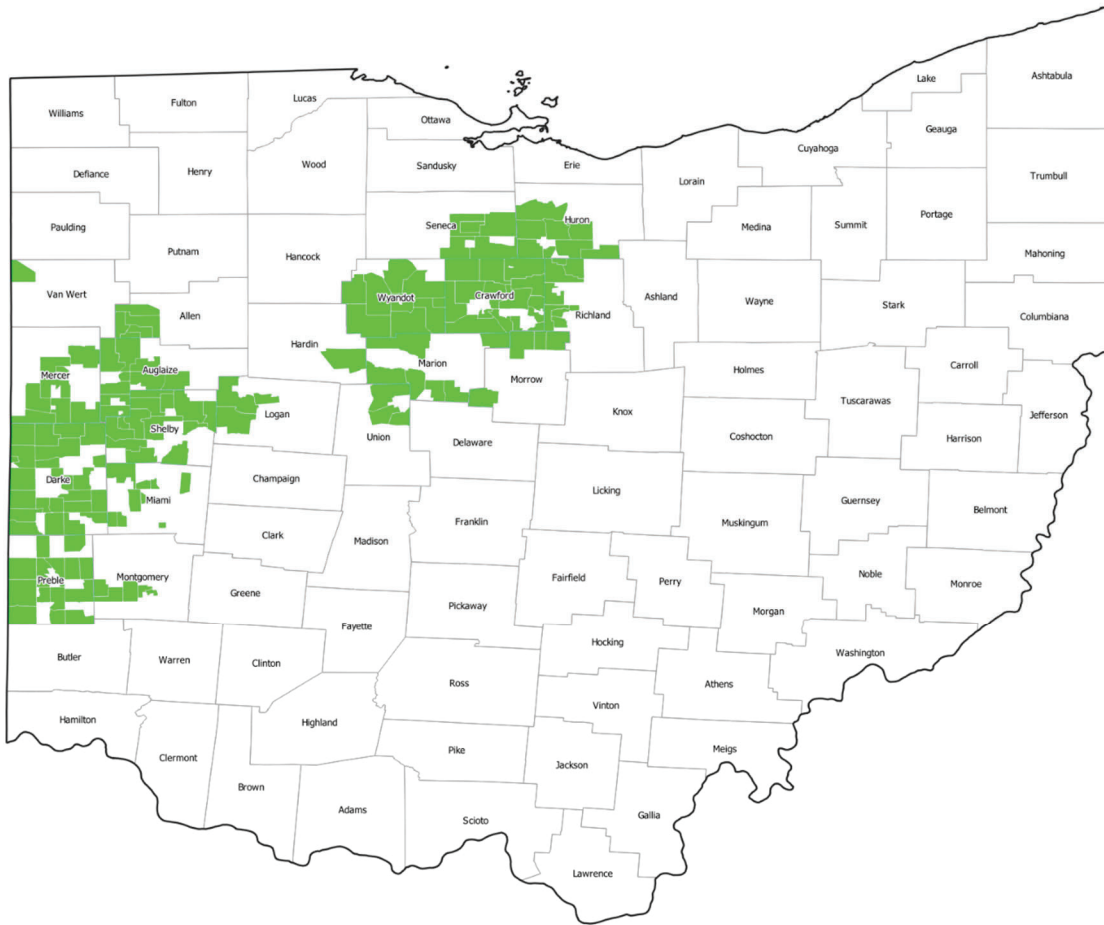
W.A.T.C.H. designated Census Block Groups

CBG	State	County	CBG	State	County
390030106001	OH	Allen	390375101001	OH	Darke
390030106002	OH	Allen	390375101002	OH	Darke
390030106003	OH	Allen	390375101004	OH	Darke
390030106004	OH	Allen	390375201001	OH	Darke
390030139003	OH	Allen	390375201002	OH	Darke
390110405001	OH	Auglaize	390375301004	OH	Darke
390110405002	OH	Auglaize	390375401001	OH	Darke
390110405004	OH	Auglaize	390375501002	OH	Darke
390110406003	OH	Auglaize	390375601001	OH	Darke
390110406004	OH	Auglaize	390375601002	OH	Darke
390110409001	OH	Auglaize	390375601003	OH	Darke
390110410001	OH	Auglaize	390375601004	OH	Darke
390110411002	OH	Auglaize	390375601006	OH	Darke
390110411003	OH	Auglaize	390375601007	OH	Darke
390339741001	OH	Crawford	390375701011	OH	Darke
390339741002	OH	Crawford	390375701012	OH	Darke
390339741004	OH	Crawford	390375701013	OH	Darke
390339742001	OH	Crawford	390375701021	OH	Darke
390339742002	OH	Crawford	390375701024	OH	Darke
390339742003	OH	Crawford	390650007001	OH	Hardin
390339742004	OH	Crawford	390779159003	OH	Huron
390339746003	OH	Crawford	390779161001	OH	Huron
390339747001	OH	Crawford	390779161002	OH	Huron
390339747002	OH	Crawford	390779161003	OH	Huron
390339747004	OH	Crawford	390779162004	OH	Huron
390339748002	OH	Crawford	390779163004	OH	Huron
390339749001	OH	Crawford	390779164001	OH	Huron
390339752001	OH	Crawford	390779164003	OH	Huron
390339753003	OH	Crawford	390910039003	OH	Logan
390375001001	OH	Darke	390910043001	OH	Logan
390375001002	OH	Darke	390910043002	OH	Logan
390375001003	OH	Darke	391010101002	OH	Marion
390375001004	OH	Darke	391010102011	OH	Marion

CBG	State	County
391010103003	OH	Marion
391010103005	OH	Marion
391010105002	OH	Marion
391010105003	OH	Marion
391079673001	OH	Mercer
391079673004	OH	Mercer
391079674002	OH	Mercer
391079674004	OH	Mercer
391079677001	OH	Mercer
391079679002	OH	Mercer
391079679004	OH	Mercer
391079680001	OH	Mercer
391079680004	OH	Mercer
391093150022	OH	Miami
391093153006	OH	Miami
391093201001	OH	Miami
391093301003	OH	Miami
391093401001	OH	Miami
391093401002	OH	Miami
391093501003	OH	Miami
391093650002	OH	Miami
391093901002	OH	Miami
391130302001	OH	Montgomery
391130601001	OH	Montgomery
391130601002	OH	Montgomery
391131501003	OH	Montgomery
391131501004	OH	Montgomery
391179650001	OH	Morrow
391179650002	OH	Morrow
391179650003	OH	Morrow
391179653005	OH	Morrow
391354101001	OH	Preble
391354201001	OH	Preble
391354301001	OH	Preble
391354301002	OH	Preble
391354401002	OH	Preble
391354501001	OH	Preble
391354501002	OH	Preble
391354601001	OH	Preble
391354601002	OH	Preble
391354601003	OH	Preble
391354701012	OH	Preble

CBG	State	County
391354701021	OH	Preble
391354701023	OH	Preble
391354801001	OH	Preble
391390023002	OH	Richland
391390023003	OH	Richland
391390023005	OH	Richland
391390025004	OH	Richland
391390028001	OH	Richland
391390028002	OH	Richland
391390028003	OH	Richland
391479625002	OH	Seneca
391479625003	OH	Seneca
391479625004	OH	Seneca
391479638002	OH	Seneca
391479638004	OH	Seneca
391499714002	OH	Shelby
391499714003	OH	Shelby
391499715001	OH	Shelby
391499715002	OH	Shelby
391499715003	OH	Shelby
391499716001	OH	Shelby
391499716002	OH	Shelby
391499716003	OH	Shelby
391499717001	OH	Shelby
391499717003	OH	Shelby
391499722004	OH	Shelby
391499723001	OH	Shelby
391499723004	OH	Shelby
391590501002	OH	Union
391590502002	OH	Union
391590502004	OH	Union
391610202001	OH	Van Wert
391759380001	OH	Wyandot
391759380002	OH	Wyandot
391759382001	OH	Wyandot
391759382002	OH	Wyandot
391759382003	OH	Wyandot
391759383001	OH	Wyandot
391759384002	OH	Wyandot
391759385001	OH	Wyandot
391759385002	OH	Wyandot
391759385003	OH	Wyandot

W.A.T.C.H. designated Census Block Groups Map



STATE OF OHIO
PUBLIC UTILITIES COMMISSION OF OHIO

State of Ohio)
County of Allen)

W.A.T.C.H. TV COMPANY
APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

Verification

I Ken Williams, being first duly sworn, depose and state that I am President and Chief Executive Officer for W.A.T.C.H TV Company, the company officer responsible for this request and that I have read the foregoing Application of W.A.T.CH. TV Company and know the contents thereof and the statements therein contained are true to the best of my knowledge and belief.

Ken Williams

President and Chief Executive Officer
W.A.T.C.H. TV Company
1805 N. Dixie Highway
Lima, OH 45801
419-879-1106

Subscribed and sworn

To before me this 15th
day of OCTOBER, 2018.



Michele L. Brunk
Notary Public, State of Ohio
My Commission Expires
September 17, 2022

Michele L. Brunk

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-1555-TP-UNC

Summary: Application Revised Application and Petition electronically filed by Debra A Thelen
on behalf of W.A.T.C.H. TV COMPANY