

*The Public Utilities Commission of Ohio*  
**TELECOMMUNICATIONS FILING FORM**

(Effective: 04-01-2020)

Per the Commission's 5/29/2019 "Implementation Order" in Case No. 19-0173-TP-ORD

This form is intended to be used with most types of required filings. It provide check boxes with rule references for the most common types of filings. It does not replace or supersede Commission rules in anyway.

|   |   |  |         |
|---|---|--|---------|
| In the Matter of the Application of Imagine Networks, LLC for | ) | TRF Docket No. 90-                             | -TP-TRF |
| Designation as an Eligible Telecommunications Carrier for     | ) | Case No. -                                     | -TP-    |
| Purposes of Receiving Federal Universal Service Support       | ) | NOTE: Unless you have reserved a Case #, leave |         |
|   | ) | the "Case No." field BLANK.                    |         |

Name of Registrant(s) Imagine Networks, LLC

DBA(s) of Registrant(s) N/A

Address of Registrant(s) 1100 Wayne Street, Suite 1337, Troy, OH 45373

Company Web Address inxwireless.com

Regulatory Contact Person(s) Josh Luthman

Phone (937)552-2340

Fax (866)246-3070

Regulatory Person's Email Address josh@imaginetworksllc.com

Contact Person for Annual Report Josh Luthman

Phone (937)552-2340

Consumer Contact Information Josh Luthman

Phone (937)552-2340

Address (if different from above) same as above

Motion for protective order included with filing? ☐ Yes ☒ No

Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: Waivers may toll any automatic timeframe.]

**Notes:**

Sections I and II are pursuant to Ohio Administrative Code (OAC) [4901:1-6](#).

Section III – Part I - Carrier to Carrier is pursuant to OAC [4901:1-7](#) and Pole Attachment to OAC [4901:1-3](#)

Section III – Part II - Wireless is pursuant to OAC [4901:1-6-24](#).

Section IV – Attestation.

(1) Indicate the Carrier Type and the reason for submitting this form by checking the boxes below.

(2) For requirements for various applications, see identified section of the Ohio Administrative Code Chapter 4901 and/or the supplemental application form noted.

(3) Information regarding the number of copies required by the PUCO may be obtained from the PUCO's website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov) under the docketing information system section (Procedural filing requirements), by calling the Docketing Division at 614-466-4095 or by visiting the Docketing Division at the offices of the PUCO.

(4) An Incumbent Local Exchange Carrier (ILEC) offering basic local exchange service (BLES) outside its traditional service area should choose CLEC designation when proposing to offer BLES outside its traditional service area or when proposing to make changes to that service.

**All filings that result in a change to one or more tariff pages require, at a minimum, the following exhibits:**

| Exhibit | Description:  |
|---------|---|
| A       | The tariff pages subject to the proposed change(s) as they exist before the change(s).  |
| B       | The tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.             |
| C       | A short description of the nature of the change(s), the intent of the change(s), and the customers affected.                          |
| D       | A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s). |

## Section I – Part I - Common Filings:

| <b>Carrier Type:</b><br><input type="checkbox"/> Other (Explain below) | <b>For Profit ILEC</b>   | <b>Not for Profit ILEC</b>  | <b>CLEC</b>   |
|--|--|---|---|
| Change terms & conditions of existing BLES.                            | <input type="checkbox"/> ATA <a href="#">1-6-14(I)(2)</a><br>(Auto 30 days)        | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)  | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)  |
| Introduce non-recurring charge, surcharge or fee to BLES               | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)           |   | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)  |
| Introduce or Increase Late Payment                                     | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)           | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)  | <input type="checkbox"/> ATA <a href="#">1-6-14(I)</a><br>(Auto 30 days)  |
| Revisions to BLES Cap  | <input type="checkbox"/> ZTA <a href="#">1-6-14(E)</a><br>(0 day notice )          |   |   |
| Introduce BLES or expand local service area (calling area)             | <input type="checkbox"/> ZTA <a href="#">1-6-14(E)</a><br>(0 day notice)           | <input type="checkbox"/> ZTA <a href="#">1-6-14(E)</a><br>(0 day notice ) | <input type="checkbox"/> ZTA <a href="#">1-6-14(E)</a><br>(0 day notice ) |
| Change BLES Rates  | <input type="checkbox"/> TRF <a href="#">1-6-14(E) &amp; (G)</a><br>(0 day notice) | <input type="checkbox"/> TRF <a href="#">1-6-14(E)</a><br>(0 day notice)  | <input type="checkbox"/> TRF <a href="#">1-6-14(H)</a><br>(0 day notice)  |
| To obtain BLES pricing flexibility                                     | <input type="checkbox"/> BLS <a href="#">1-6-14(C)(1)(c)</a><br>(Auto 30 days)     |   |   |
| Notice of no obligation to construct facilities and provide BLES       | <input type="checkbox"/> ZTA <a href="#">1-6-27(C)</a><br>(0 day notice)           | <input type="checkbox"/> ZTA <a href="#">1-6-27(C)</a><br>(0 day notice)  |   |
| Change in boundary   | <input type="checkbox"/> ACB <a href="#">1-6-32</a><br>(Auto 14 days)              | <input type="checkbox"/> ACB <a href="#">1-6-32</a><br>(Auto 14 days)     |   |
| Expand service operation area  |  |   | <input type="checkbox"/> TRF <a href="#">1-6-08(G)</a><br>(0 day notice)  |
| BLES withdrawal  | <input type="checkbox"/> WBL <a href="#">4927.10</a><br>(120 day notice)           |   | <input type="checkbox"/> ZTA <a href="#">1-6-25(B)</a><br>(0 day notice)  |
| <b>Other</b> (explain):  |  |   |   |

\*Other exhibits may be required under the applicable rule, see the 4901:106-14(E) Filing Requirements on the PUCO's webpage for a complete list of exhibits.

## Section I – Part II – Customer Notification Offerings Pursuant to Chapter 4901:1-6-07 OAC

| <b>Type of Notice</b>                  | <b>Direct Mail</b>       | <b>Bill Insert</b>       | <b>Bill Notation</b>     | <b>Electronic Mail</b>   |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> 15-day Notice | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> 30-day Notice | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>Date Notice Sent:</b>               |                          |                          |                          |                          |

## Section I – Part III – Inmate Operator Service Pursuant to Chapter 4901:1-6-22 OAC

| <b>Introduce New</b>                           | <b>Tariff Change</b>                           | <b>Price Change</b>                            | <b>Withdraw</b>                            |
|--|--|--|--|
| <input type="checkbox"/> TRF<br>(0 day notice) | <input type="checkbox"/> ATA<br>(Auto 30 days) | <input type="checkbox"/> TRF<br>(0 day notice) | <input type="checkbox"/> UNC<br>(Non-Auto) |

**Section II – Part I – Carrier Certification – Pursuant to Chapter 4901:1-6-08 & 10 OAC and Competitive Eligible Telecommunications Carrier Designation (CETC) – Pursuant to Chapter 4901:1-6-09 OAC**

| ILEC<br>(Out of territory)  | CLEC  | Telecommunications<br>Service Provider Not<br>Offering Local Service  | CESTC  | CETC  |
|---|---|---|--|---|
| <input type="checkbox"/> ACE <a href="#">1-6-08</a><br>(Auto 30-day)* | <input type="checkbox"/> ACE <a href="#">1-6-08</a><br>(Auto 30-day)* | <input type="checkbox"/> ACE <a href="#">1-6-08</a><br>(Auto 30-day)* | <input type="checkbox"/> ACE 1-6-10<br>(Auto 30-day) | <input checked="" type="checkbox"/> UNC 1-6-09<br>(Non-Auto)* |

\*Supplemental forms can be found on the PUCO webpage – [Telecommunications application forms](#).

**Section II – Part II – Change in Operation or Ownership**

| Change in Operation or<br>Ownership                                      | ILEC   | CLEC   | Telecommunications<br>Service Provider Not<br>Offering Local Service         |
|--|--|--|--|
| Abandon all services   |  | <input type="checkbox"/> ABN <a href="#">1-6-26</a><br>(Auto 30 days)        | <input type="checkbox"/> ABN <a href="#">1-6-26</a><br>(Auto 30 days)        |
| Change of official name *  | <input type="checkbox"/> ACN <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> ACN <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> CIO <a href="#">1-6-29(C)</a><br>(0-day notice)     |
| Change in ownership *  | <input type="checkbox"/> ACO <a href="#">1-6-29(E)(1)</a><br>(Auto 30 days)  | <input type="checkbox"/> ACO <a href="#">1-6-29(E)(1)</a><br>(Auto 30 days)  | <input type="checkbox"/> CIO <a href="#">1-6-29(C)</a><br>(0-day notice)     |
| Merger *   | <input type="checkbox"/> AMT <a href="#">1-6-29(E)(1)</a><br>(Auto 30 days)  | <input type="checkbox"/> AMT <a href="#">1-6-29(E)(1)</a><br>(Auto 30 days)  | <input type="checkbox"/> CIO <a href="#">1-6-29(C)</a><br>(0-day notice)     |
| Transfer certificate *   | <input type="checkbox"/> ATC <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> ATC <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> CIO <a href="#">1-6-29(C)</a><br>(0-day notice)     |
| Transaction for transfer or<br>lease of property, plant or<br>business * | <input type="checkbox"/> ATR <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> ATC <a href="#">1-6-29(B)</a><br>(Auto 30 days)     | <input type="checkbox"/> CIO <a href="#">1-6-29(C)</a><br>(0-day notice)     |
| FCC Authorized Change in<br>Ownership or Merger                          | <input type="checkbox"/> CIO <a href="#">1-6-29 (E)(2)</a><br>(0-day notice) | <input type="checkbox"/> CIO <a href="#">1-6-29 (E)(2)</a><br>(0-day notice) | <input type="checkbox"/> CIO <a href="#">1-6-29 (E)(2)</a><br>(0-day notice) |

\*Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR, and CIO applications see the [4901:1-6-29 Filing Requirements](#) on the PUCO webpage for a complete list of exhibits.

**Section III – Part I - Carrier to Carrier (Pursuant to 4901:1-7) & Attachments to Utility Equipment or Rights of Way (Pursuant to 4901:1-3)**

| Carrier to Carrier  | ILEC  | CLEC  |
|---|---|---|
| Interconnection agreement or amendment to<br>an approved agreement  | <input type="checkbox"/> NAG <a href="#">1-7-07</a><br>(Auto 90 days)       | <input type="checkbox"/> NAG <a href="#">1-7-07</a><br>(Auto 90 days) |
| Request for arbitration   | <input type="checkbox"/> ARB <a href="#">1-7-09</a><br>(Non-Auto)           | <input type="checkbox"/> ARB <a href="#">1-7-09</a><br>(Non-Auto)     |
| Introduce or change carrier to carrier tariffs  | <input type="checkbox"/> ATA <a href="#">1-7-14</a><br>(Auto 30 days)       | <input type="checkbox"/> ATA <a href="#">1-7-14</a><br>(Auto 30 days) |
| Request rural carrier exemption, rural carrier<br>suspension or modification  | <input type="checkbox"/> UNC <a href="#">1-7-04 or 05</a><br>(Auto 30 days) |   |
| Changes in rates, terms & conditions to pole<br>attachments, conduit occupancy and rights of<br>way. (13-579-AU-ORD 11/30/16 Entry) | <input type="checkbox"/> ATA <a href="#">1-3-04</a><br>(Auto 60 days)       |   |

### Section III – Part II – Facilities-based Wireless Service Providers (Pursuant to 4901:1-6-24)

|  |  |
|--|--|
| Registration and Change in Operations*                           | <input type="checkbox"/> RCC <a href="#">1-6-24(B)</a><br>(0 day notice) |
| Interconnection Agreement or amendment to an approved Agreement. | <input type="checkbox"/> NAG <a href="#">1-7-07</a><br>(0 day notice)    |

\*Change in Operations filing must be filed in the original RCC case designation code established during the registration process.

### Section IV. – Attestation

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

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#### **AFFIDAVIT**

#### *Compliance with Commission Rules*

I am an officer/agent of the applicant corporation, Imagine Networks, LLC, and am authorized to make this statement on its behalf.

Kristopher E. Twomey  
(Name)

Please check All that apply:

☒ I attest that these tariffs comply with all applicable rules for the State of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. 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 attest that customer notices accompanying this filing form were sent to affected customers, as specified in Section II, in accordance with Ohio Adm. Code 4901:1-6-7.

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

Executed on December 28, 2020 at Washington, D.C.



, Counsel

\*Signature and Title

January 6, 2021

Date

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

**VERIFICATION**

I, Kristopher E. Twomey, verify I have utilized the Telecommunications Filing Form for the most proceedings provided by the Commission and that all of the information submitted here and all additional information in connection with this case, is true and correct to the best of my knowledge.



\*Signature and Title

January 6, 2021  
Date

*\*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.*

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**File document electronically as directed in case number 06-900-AU-WVR**  
*or*

*Send your completed Filing 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

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|   |   |                  |
|---|---|------------------|
| Imagine Networks, LLC                       | ) |                  |
| Application for Designation as an Eligible  | ) |                  |
| Telecommunications Carrier for Purposes of  | ) | Docket No. _____ |
| Receiving Federal Universal Service Support | ) |                  |

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**APPLICATION OF IMAGINE NETWORKS, LLC FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER**

Now comes Imagine Networks, LLC (“Imagine Networks”) 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 Imagine Networks as an eligible telecommunications carrier (“ETC”) under the provisions of Section 54.201(d) to receive federal universal service support via Lifeline and through the Rural Digital Opportunity Fund (“RDOF”) for the provision of broadband internet access and broadband-voice bundled offerings. The service area contains eleven census block groups covering 887 locations in Ohio.<sup>1</sup> The RDOF rules<sup>2</sup> require provisional winners to obtain ETC status by June 7, 2021 and Imagine Networks therefore respectfully requests expeditious action on this application to meet the obligation.

Imagine Networks is an Ohio limited liability company with a principal place of business and mailing address of 1100 Wayne Street, Suite 1337, Troy, Ohio 45373. For the reasons stated below, designating Imagine Networks as an ETC is consistent with statutory

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<sup>1</sup> See pages 2-3 for list.

<sup>2</sup> See 47 CFR § 54.804(b)(5).

and regulatory requirements and the public interest.

All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to counsel at:

Kristopher E. Twomey  
Law Office of Kristopher E. Twomey, P.C.  
1725 I Street, N.W., Suite 300  
Washington, DC 20006  
202.681.1850  
kris@lokt.net

and to Applicant:

Josh Luthman  
1100 Wayne Street, Suite 1337  
Troy, Ohio 45373  
937.552.2343  
josh@imagine networksllc.com

## **I. Introduction / Description of Company**

### **Company Background**

Imagine Networks is a fixed wireless and fiber broadband internet service and voice-over-internet provider with headquarters in Troy, Ohio. The company has specialized in providing high quality fixed wireless broadband internet access to underserved rural communities in Ohio, specifically in Miami, Montgomery, Darke, Clark, Champaign, and Sidney counties. Imagine Networks filed for authority as a telecommunications carrier on January 5, 2021 in Case Number 21-0017-CT-ACE.

### **Broadband Services**

In addition to its fixed wireless broadband, Imagine Networks currently offers fiber-optic broadband in Miami county with plans to build in additional neighborhoods in Clark, Champaign, and Shelby counties using RDOF funding. Through the RDOF auction, the FCC has

preliminarily awarded funding for Imagine Networks to provide low latency, state-of-the art, broadband services via fiber optics to the following census block groups:

| <u>Census Block Group</u> | <u>Locations</u> |
|---------------------------|------------------|
| 90210102002               | 104              |
| 390210102005              | 19               |
| 390230026011              | 47               |
| 390230026012              | 66               |
| 391093001001              | 63               |
| 391093550022              | 1                |
| 391093651011              | 96               |
| 391093651024              | 17               |
| 391093801001              | 20               |
| 391093901001              | 291              |
| 391093901003              | 163              |

### **Voice Services Information**

Imagine Networks will offer voice services capable of supporting thousands of users. Its platform features include, but are not limited to:

- CALEA Compliant
- Call Detail Records (CDR's)
- DID Included Per Seat
- e911 Included Per Seat
- Fault-Tolerant
- Active-Active Architecture
- Geo-Redundant
- Mobile Phone App Integration
- QOS and MOS Monitoring Per Call
- Call Control
- OAuth Permissions
- Multi-Tenant With Unlimited Domains



- Advanced Security & Fraud Detection
- Auto Block Failed Registrations
- Auto Block SIP Port Scanning
- Auto Block Promiscuous SIP Devices
- Fraud Filtering for Bad Digits or Invalid Destinations
- SIP Call Traces
- Zero-Touch Device Provisioning

Imagine Networks will manage provisioning the service for the customer, all billing aspects, and troubleshooting any calling issues that may arise. Residential customers will be served with Analog Telephone Adapters (ATAs) and IP phones using SIP and UDP/RDP protocols. Calling features available include all of the traditional calling features; call forwarding, caller ID, voice mail, find-me-follow-me, etc. along with more advanced services.

### **Voice and Broadband Plans**

Imagine Networks' residential digital voice service plan is \$19.95 with Imagine Networks internet access and \$30 without. Lifeline customers will receive the \$9.25 benefit, lowering the price to \$15.75 per month or \$20.75 respectively. The customer can use its own VoIP-enabled phone, pay an additional fee to use the service's mobile app, or purchase a phone from Imagine Networks. Lifeline customers will receive all of the same features as a non-Lifeline customer. Features include call waiting, caller ID, call forwarding, call transfer, voicemail, and free long distance in the U.S. and Canada.

### **Lifeline Implementation**

Imagine Networks will implement Lifeline based on the current rules and regulations established by the Federal Communications Commission ("FCC") and administered by the Universal Service Administrative Company ("USAC") as those rules may change in the future. Imagine Networks will follow the most recent Report and Orders and Lifeline Reform Order to

begin services. The customer will have an option of a residential VoIP only package, broadband internet-only package, or a bundled voice and Internet package. Imagine Networks will price its Lifeline service at \$9.25 less than its equivalent non-Lifeline service. Therefore, Imagine Networks' Lifeline service will represent a dollar-for-dollar reduction from its comparable non-Lifeline rate and will represent a pass-through of the full amount of support to the qualifying low-income consumer. Imagine Networks will allow customers to apply the Lifeline subsidy, on a full pass-through basis to packages of voice and broadband services.

Imagine Networks will build a dedicated Lifeline landing page with detailed information, how to apply, and how to contact USAC. Links to the application and worksheet, both English and Spanish, for each state will be available for download. Imagine Networks customer service agents will be trained to help customers fill out and return the form.

Along with the application, Imagine Networks will have a cover sheet with information on how to contact Imagine Networks for help, how to send the application to Imagine Networks (both electronically and by mail), and what additional information Imagine Networks needs from the customer. Additional information will include a copy of their current driver's license, copy of their paycheck stubs/SNAP card/Medicaid card/SSI statement/Tribal program, etc., what service(s) they are interested in, and how they heard about Imagine Networks.

Upon receipt of the completed application, Imagine Networks' Customer Service Department will process the application through the National Lifeline Accountability Database and let the customer know if they qualify for Lifeline. Additionally, the customer service representative will determine if the customer is in the network service area. Based on their qualification status, services they are interested in, and if service from Imagine Networks is

available in their area, the appropriate packages will be offered to the customer for sign up and installation will be scheduled.

Imagine Networks will submit monthly reimbursement reports to USAC, and will work with USAC on re-certifying any current customers. All documentation related to the customer and Lifeline will be maintained while the customer is with Imagine Networks and for three years after they change providers.

## **II. Federal Telecommunications Act of 1996, Eligible Telecommunications Carrier**

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

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 Commission shall, on its own motion or upon request, designate a common carrier an ETC so 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 Commission may, in the case of an area serviced 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 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 serviced by a rural telephone company, the Commission shall find that such designation is in the public interest.

### **III. Designated Service Area**

Section 214(e)(2) of the Act states that an ETC shall be designated for a "service area" by the state commission. Imagine Networks requests authority as an eligible telecommunications carrier in the census blocks identified on pages 2-3.

### **IV. Requirements for ETC Designation**

#### **A. Imagine Networks will offer the services that are supported by federal universal service support mechanisms throughout the service area for which ETC designation is received.**

Imagine Networks is a common carrier for purposes of obtaining ETC designation under 47 U.S.C. § 214(e)(1). Imagine Networks commits to provide (i) voice grade access to the public switched telephone network ("PSTN") or its functional equivalent; (ii) minutes of use for local service provided at no additional charge to end users; (iii) access to emergency services; and (iv) toll limitation services to qualifying low-income consumers as provided in accordance with 47 C.F.R. §§54.400 *et seq.*

i. Voice grade access to the public switched telephone 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 networks.<sup>3</sup> 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 equivalent.<sup>4</sup> 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 networks.”<sup>5</sup> 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.”<sup>6</sup> 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 Act.”<sup>7</sup> Imagine Networks 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

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<sup>3</sup> *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*”).

<sup>4</sup> *Id.*; See also 47 C.F.R. §54.101(a).

<sup>5</sup> *USF/ICC Transformation Order* at ¶163.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

the FCC, provided free of charge to end users.”<sup>8</sup>The FCC has not specified a minimum amount of local usage that an ETC must offer. Imagine Networks 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 an ETC's service area has implemented 911 or enhanced 911 systems. Imagine Networks 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.

iv. Toll limitation for Qualifying Low-Income Consumers

Imagine Networks does not distinguish between toll and non-toll for its voice offering. To the extent Imagine Networks 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.

**B. Broadband Internet Access Service**

Pursuant to 47 C.F.R. 54.101(a)(2), Imagine Networks will provide broadband services with the capability to transmit data to and receive data by fiber optic lines for all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

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<sup>8</sup> 47 C.F.R. § 54.101(a)(2).

**C. Imagine Networks will comply with the requirements of 47 USC 214(e)(1).**

Imagine Networks 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. Imagine Networks will use its own facilities to provide the supported services

Imagine Networks provides high-speed broadband and digital telephone services to residential, commercial, and enterprise customers utilizing a combination of fiber and unlicensed and licensed wireless frequencies. Using RDOF funds, Imagine Networks will expand its next generation fiber optic network targeting rural markets outside of metropolitan areas that are either unserved or underserved. Imagine Networks will provide supported services using its network infrastructure, consisting of last mile connections and network equipment and components. It will also utilize its own facilities to provide backhaul for interconnection via a combination of fiber and wireless microwave technologies.

ii. Imagine Networks will advertise the availability of its service throughout its service area.

Imagine Networks will advertise the availability of the Supported Services throughout its designated service areas using media of general distribution in a manner that is designed to reach those likely to qualify for such services. Imagine Networks agrees to comply with all form and content requirements, if any, promulgated by the FCC and this Commission in the future and required of all designated ETCs, including by disclosing the Applicant's name, that the service is a Lifeline service, that it is a government assistance program, that the

service is non-transferable, and that it is available only to eligible consumers and limited to one discount per economic household.

**D. Imagine Networks will comply with the FCC's additional eligibility criteria contained in 47 CFR §54.202.**

- i. Imagine Networks certifies that it will comply with the service requirements applicable to the support that it receives;

Imagine Networks certifies that it will comply with the service requirements applicable to the support that it receives. Imagine Networks commits to provide supported services throughout the designated service area by committing to provide service to customers who make a reasonable request for service. Imagine Networks will commence offering service to all qualified consumers after it is certified as an ETC and soon after it receives ultimate approval from the FCC pursuant to applicable build-out requirements.

- ii. Applicant will provision service that is able to remain functional in emergency situations within industry standards for VoIP services;

Imagine Networks will provision service with sufficient back-up power to remain functional without an external power source in emergency situations. Imagine Networks is able to re-route traffic around damaged facilities and will be able to manage traffic spikes resulting from emergency situations. Applicant uses battery back-up power in the field and battery backup power at its NOC for broadband internet service.

Imagine Networks' VoIP service requires an Internet Protocol (IP) connection to the Company's network or public Internet and 120VAC power to function. In the event of a failure of the IP connection or the local AC power, the service, including the E911 feature, will not function. Upon activation of a customer, Imagine Networks will provide the customer with



a notification containing clear instructions on the use of emergency services.

Imagine Networks' VoIP service is not specifically used as a nomadic device. Customers can, through mobile applications, move the device to different locations. 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 device is moved to another location within the US 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 the Company's customer service number 877 677-0001,

Imagine Networks service includes enhanced 911 services (E911). When service is initially provisioned, and any time the subscriber's 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 that the address was properly geocoded, and stores the record on our behalf. When a subscriber 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 jurisdictions where an E911 service fee is imposed on 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.

iii. Imagine Networks will satisfy consumer protection and service quality standards.

Upon designation as an ETC, Imagine Networks will satisfy all consumer protection and service quality standards as provided in 47 C.F.R § 54.202(a)(3), as well as all applicable state

specific consumer protection and service quality standards.

**E. Designation of Imagine Networks as an ETC is within the public interest.**

Designation of Imagine Networks 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 the public interest, convenience and necessity" the Commission shall "designate more than one common carrier as an eligible telecommunications carrier for a service area designated" by the Commission.<sup>9</sup> Before such a designation, the Commission shall find that the designation is in the public interest.<sup>10</sup> In its *2005 ETC Order*, the FCC determined that the benefits of increased consumer choice, and the unique advantages of the applicant's service offering are components of a public interest analysis.<sup>11</sup>

Expedited designation of Imagine Networks will serve the public interest by ensuring that the company is eligible to receive federal USF support, including through the FCC's high-cost programs. Imagine Networks 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, Imagine Networks will use federal USF support to expand access to high-speed, high-quality broadband and voice provided through

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<sup>9</sup> 47 C.F.R. 54.201(c).

<sup>10</sup> *Id.*

<sup>11</sup> *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*").

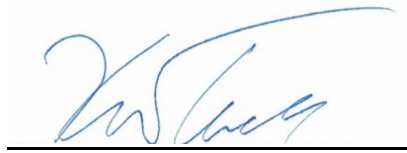
interconnected VoIP and fiber optic networks for residents of rural Ohio. These advanced communications services will provide important connectivity to consumers, businesses, and community anchor institutions, including rural schools, libraries and medical facilities and are a unique alternative to services provided by traditional wireline carriers within the Company's designated service area.

Designation of Imagine Networks 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 in RDOF-eligible areas of Ohio. Imagine Networks' services will provide consumers with additional choices in communications service providers, as well as a variety of service offerings at competitive rates.

## **V. Relief Requested**

For the reasons set forth above, Imagine Networks respectfully requests: (i) an expeditious Order designating the Company as an ETC in Ohio for the purpose of being eligible to receive federal funding pursuant to the FCC's Lifeline program; and (ii) such other relief as this Commission deems to be just and equitable.

Respectfully submitted,



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Counsel to Imagine Networks

January 6, 2021

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Summary: Application Imagine Networks, LLC Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support electronically filed by Mr. Kristopher E Twomey on behalf of Imagine Networks, LLC