

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)	
ASPIRE NETWORKS 1, LLC, for designation as an)	
eligible telecommunications carrier in the state of)	Case No. U-20957
Michigan.)	
_____)	

At the May 26, 2021 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Daniel C. Scripps, Chair
Hon. Tremaine L. Phillips, Commissioner
Hon. Katherine L. Peretick, Commissioner

ORDER

On January 6, 2021, Aspire Networks 1, LLC (Aspire) filed an application (January 6 application) pursuant to Section 214(e)(2) of the federal Communications Act of 1934, 47 USC 214(e)(2), for designation as an eligible telecommunications carrier (ETC) for access to universal service fund (USF) support for the purpose of expanding and enhancing its rural broadband network. Aspire filed an amended application on March 25, 2021 (March 25 amended application). Aspire requests that the Commission enter an order designating it as a High Cost and Lifeline ETC throughout the census blocks listed in Exhibit A of the March 25 amended application. These census blocks include the areas for which Aspire was assigned the winning bid in the Rural Digital Opportunity Fund (RDOF) auction. Aspire is seeking designation as an ETC in census blocks that fall within the Tribal lands of the Hannahville Indian Community. Aspire

will provide broadband and enhanced Lifeline services to eligible residents of this federally recognized Tribal Land in Michigan where requested.

On February 7, 2020, the Federal Communications Commission (FCC) released FCC 20-5 Report and Order in which it authorized and established the framework for the RDOF auction.¹ The RDOF will provide up to \$20.4 billion towards the expansion of broadband into unserved and underserved areas, with a focus on improving network speeds.

On December 7, 2020, the FCC announced the winning bidders of the RDOF auction.² Aspire's indirect parent company, Atlantic Engineering Group, Inc. (AEG) is a member of a bidding consortium that was among the winning bidders. This consortium assigned its winning bids in Michigan to Aspire. Aspire was assigned the winning bid of \$18,766,912.40 over a 10-year period and assigned 48,449 locations in the state of Michigan. The auction winners are required to use money awarded in the auction to expand broadband and meet various broadband milestones throughout the assigned locations, and the award is contingent upon Aspire's designation as an ETC in the assigned locations, as well as meeting and adhering to all ETC requirements. The award winners have been given a deadline of June 7, 2021, to provide evidence of ETC designation in the locations they have been assigned as winning bidders.

Concurrent with this order, Aspire is also obtaining its permanent license to provide basic local exchange service in Michigan. Aspire's permanent license order may be found in Case No. U-20956.

¹ FCC 20-5 Report and Order, <https://docs.fcc.gov/public/attachments/FCC-20-5A3.pdf> (accessed May 17, 2021).

² FCC December 7, 2020 Public Notice of RDOF Awards, [DOC-368588A1.pdf \(fcc.gov\)](https://docs.fcc.gov/public/attachments/DOC-368588A1.pdf) (accessed May 17, 2021).

Aspire states that it will satisfy the applicable facilities-based requirements for ETCs. Aspire will provide the required services primarily using its own facilities. However, Aspire states that on an interim basis, until the RDOF network deployment benchmarks are reached, Aspire will have a commercial arrangement with Voice-over Internet Protocol (VoIP) provider Alianza, Inc. Aspire certifies that it will use any federal High Cost support it receives only for the provision, construction, maintenance, and upgrading of facilities, and provision of supported services in the service area for which such support is intended.

Aspire certifies that it will satisfy all applicable consumer protection and service quality standards as required by 47 CFR 54.202(a)(3), including those associated with the RDOF program. Aspire states that it will be responsible, managerially and legally, for handling and responding to customer issues. Aspire certifies that it has the ability to remain functional in emergency situations. Additionally, Aspire's network will incorporate a reasonable amount of backup power to ensure functionality in the event of a loss of external power sources, have the ability to route traffic around damaged facilities, and have the capability to manage traffic spikes resulting from emergency situations. Aspire states that it meets the requirements for designation as an ETC as established under federal and state law.

The Commission notes that the FCC has held that an ETC may satisfy voice obligations through VoIP technology if it meets the functional requirements specified in the rules and the service is provided on a common carrier basis.³ The FCC has stated that “[w]e recognize that we have not generally classified VoIP as a telecommunications service or information service, but we

³ *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 11-161, ¶¶ 62-71, *rel'd* November 18, 2011 (*USF/ICC Transformation Order*). See, <https://www.fcc.gov/document/fcc-releases-connect-america-fund-order-reforms-usficc-broadband>.

nonetheless have recognized that providers might elect to offer interconnected VoIP as a telecommunications service.”⁴ The FCC has also recognized that an interconnected VoIP provider can obtain access to the rights available to a telecommunications carrier if it “holds itself out as a telecommunications carrier and complies with appropriate federal and state requirements.”⁵

Aspire will be deploying an all fiber-optic network as well as entering into agreements with companies that currently operate fiber networks. The FCC has confirmed that a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor. The Commission Staff recommends that the January 6 application be granted.

After reviewing Aspire’s application, as amended, the Commission finds that the ETC designation, limited to High Cost and Lifeline throughout the census block areas listed in Exhibit A to the March 25 amended application, should be conditionally granted. The Commission is persuaded that ETC designation for Aspire promotes the availability of universal service and is in the public interest. The Commission finds that the application, as amended, demonstrates that Aspire meets the requirements for designation as an ETC. *See*, 47 USC 214(e)(1). The January 6 application, as amended, for ETC designation is granted on condition that Aspire: (1) comply with the service requirements contained in the *USF/ICC Transformation*

⁴ *Lifeline & Link Up Reform & Modernization et al.*, WC Docket No. 11-42 *et al.*, Third Report and Order, Order No. FCC 16-38, note 709, *rel’d* April 27, 2016. *See*, <https://www.fcc.gov/document/fcc-modernizes-lifeline-program-low-income-consumers>.

⁵ *IP-Enabled Services; E911 Requirements For IP-Enabled Service Providers et al.*, WC Docket No. 04-36 *et al.*, First Report and Order and Notice of Proposed Rulemaking, Order No. FCC 05-116, note 128, *rel’d* June 3, 2005. *See*, <https://www.fcc.gov/document/ip-enabled-services-e911-requirements-ip-enabled-service-providers>.

Order and subsequent related federal and state rulings, the *Lifeline Reform Order*,⁶ and the December 20, 2012 and January 17, 2013 orders in Case Nos. U-14535 and U-16959; (2) advertise its Lifeline product in media of general distribution including newspaper, radio, its own website, and other direct advertising methods; and (3) include the Commission's customer complaint telephone number on its public web page.

Aspire shall be required to file all annual forms with the Commission in accordance with Commission and FCC requirements, and annually thereafter, to retain its ETC designation.

THEREFORE, IT IS ORDERED that the January 6, 2021 application, as amended, filed by Aspire Networks 1, LLC, for designation as an eligible telecommunications carrier for purposes of universal service fund support for High Cost and Lifeline in the areas listed in Exhibit A of the March 25, 2021 amended application is approved as modified by this order.

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization et al.*, WC Docket No.11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, Order No. FCC 12-11, *rel'd* February 6, 2012 (*Lifeline Reform Order*). See, <https://www.fcc.gov/document/fcc-reforms-modernizes-lifeline-program-low-income-americans>.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party aggrieved by this order may file an action in the appropriate federal District Court pursuant to 28 USC 1331. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel. Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of Attorney General - Public Service Division at pungpl@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Daniel C. Scripps, Chair

Tremaine L. Phillips, Commissioner

Katherine L. Peretick, Commissioner

By its action of May 26, 2021.

Lisa Felice, Executive Secretary


PROOF OF SERVICE

STATE OF MICHIGAN)

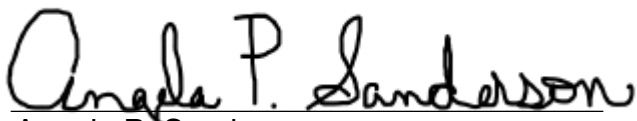
Case No. U-20957

County of Ingham)

Brianna Brown being duly sworn, deposes and says that on May 26, 2021 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).


Brianna Brown

Subscribed and sworn to before me
this 26th day of May 2021.



Angela P. Sanderson
Notary Public, Shiawassee County, Michigan
As acting in Eaton County
My Commission Expires: May 21, 2024

Service List for Case: U-20957

Name	Email Address
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