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Sent: Friday, April 9, 2021 11:25 AM
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Subject: [External] Broadband testimony follow-up

[External]

Hello Senator Cummings and members of the Committee,

Thank you again for allowing me and my Independent Telco colleagues to comment before the Committee yesterday on broadband deployment and our request to be included as recipients of funding. Several times we were asked how that can be accomplished. We see two options.

First, S.118 contains language that states eligible recipients include “small eligible telecommunications carriers as defined in section 227d of this title.” This will work as that section of statute only applies to the small Independents. The term is not actually “defined” however but rather described.

If this is a concern, another option may be to state “a carrier that has elected to be regulated under Section 227d(a) of this title.” All of the Independents qualify and are eligible as described, have elected this status, and continue to maintain this designation. I have appended the specific subsection below so you can see it.

Thank you again for your consideration. We stand ready to build fiber projects this year to our customers. Please let us know if you have any additional questions.

Kimberly Gates

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§ 227d. Small eligible telecommunications carriers

(a) A carrier which serves fewer than 10 percent of subscriber lines installed in the aggregate statewide and has been designated as an eligible telecommunications carrier in a service area where a competitive eligible telecommunications carrier has also been designated may, by providing written notice to the Public Utility Commission and to the Department of Public Service, elect to be exempted from one or more of the regulatory requirements under sections 104, 105, 108, 225, 226, 227, 229, and 230 of this

title, except for purposes of E-911 services, for switched or dedicated access to the local exchange by providers of long distance telephone service or for rates for utility pole attachments. For the purposes of this subsection, "eligible telecommunications carrier" means a telecommunications carrier designated eligible pursuant to 47 U.S.C. § 214(e).