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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200263-TX

Petition for expedited designation
as an eligible telecommunications
carrier in the State of Florida or,
in the alternative, petition for
expedited declaratory statement,
by Conexon Connect, LLC.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 3

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER ANDREW GILES FAY
COMMISSIONER MIKE LA ROSA

DATE: Tuesday, March 2, 2021

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
114 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 P R O C E E D I N G S

2 CHAIRMAN CLARK: All right. We will move next
3 to Item No. 3.

4 Ms. Helton, would you introduce the item?

5 MS. HELTON: Certainly. Did we want to do 3,
6 4 and 5 together or did we want to do just do No.
7 3?

8 CHAIRMAN CLARK: Is that okay with you,
9 Commissioner Fay?

10 COMMISSIONER FAY: Sure. That's fine.

11 CHAIRMAN CLARK: We will do them all together.

12 MS. HELTON: Commissioner Fay's caught me a
13 bill bit flatfooted. I was prepared with an
14 introduction for Item 3 so I am going to kind of
15 wing it here.

16 Items 3, 4 and 5 are staff's recommendations
17 to deny applications that were filed here seeking
18 the destination of an eligible communications
19 carriers, or ETCs. The Federal Communications
20 Commission, or the FCC, selected these three
21 entities as winners in its Rural Digital
22 Opportunity Fund option to provide high cost
23 support funded through the Federal Universal
24 Service Fund in Florida. And they -- to meet these
25 option requirements, they have a deadline by which

1 they have to receive their designation as an ETC.

2 Staff is recommending that the Commission deny
3 these three applications for the reasons expressed
4 in staff's recommendation they do not fall under
5 our jurisdiction. The staff is recommending that
6 you do not have jurisdiction to approve the
7 applications. And instead, staff is recommending
8 that these entities apply directly to the ETC -- I
9 mean, the FCC for ETC designation.

10 Staff is available to answer any questions you
11 might have on these three.

12 CHAIRMAN CLARK: Thank you, Ms. Helton.

13 Commissioner Fay.

14 COMMISSIONER FAY: Thank you, Mr. Chairman.

15 And I will start with Item 3. I did have a
16 lot of questions with legal on these items as a
17 whole, and I think what was concerning to me is the
18 idea that the Commission is denying the
19 certification for these entities when the idea is
20 that they are applying to the Rural Digital
21 Opportunity Fund for distribution of these funds to
22 help high cost areas, to help service for high cost
23 areas.

24 After talking with staff a good bit, it's my
25 understanding that the denial is needed -- and the

1 recommendations touched on this a little bit, but
2 it's needed for the FCC to then make their
3 determination as to what they can distribute. And
4 so it's a little concerning to me because on its
5 face of the recommendation, it looks like our
6 denial could be potentially impeding, or at a
7 minimum slowing down that distribution, and it's
8 really doing the opposite. So that the quicker we
9 are able to get these orders out, the quicker these
10 entities are able to go to the FCC to get that
11 certification.

12 And I believe the filing for this one, I
13 think, was the end of December, and the other ones
14 were beginning of January. So this is really --
15 there is 180-day period that they are allowed to do
16 it, but I just want to make sure -- and I won't --
17 I won't put on there and, but I just want to make
18 sure it's my understanding that if approved today
19 in today's hearing, we will be able to quickly get
20 the orders out making it clear that we don't have
21 the legal authority to provide this certification
22 or designation, and the FCC will then have plenty
23 of time to approve these so Florida doesn't lose
24 its funding.

25 MS. HELTON: That is my understanding,

1 Commissioner Fay.

2 COMMISSIONER FAY: Okay. Great.

3 And then, Mr. Chairman, if I could just ask a
4 question specific to 4 and 5, is that okay with
5 you?

6 CHAIRMAN CLARK: Yes, sir.

7 COMMISSIONER FAY: Okay. Great. Thank you.

8 So Item 4, when reviewing the docket, it
9 looked like Starlink, which is another entity
10 receiving this distribution under the RDOF, that
11 they actually put -- they actually submitted a
12 letter in the docket, and I think it was maybe
13 placed in the docket on Friday, I didn't originally
14 see it in there, but it essentially is saying that
15 if we are -- if we are denying their certification,
16 that they will be able to go back to the FCC and
17 amend their application that relates to other
18 states and distributions in other states, and so I
19 want to see if maybe staff could clarify that
20 that's the same process, that Starlink will be able
21 to go to the FCC, amend their petition within that
22 180 days to receive this funding?

23 MS. HELTON: I am going to defer that question
24 to Ms. Weisenfeld, if that's okay.

25 CHAIRMAN CLARK: Ms. Weisenfeld, are you on

1 the line?

2 MS. WEISENFELD: Yes, I am. Can you hear me?

3 CHAIRMAN CLARK: Yes, ma'am.

4 MS. WEISENFELD: Great.

5 Thank you for the question, Commissioner Fay.

6 Yes, that's my understanding, that Starlink
7 has put the FCC on notice that the Commission could
8 potentially issue a denial, and it's my
9 understanding that the FCC is ready to process the
10 Starlink Services, LLC's, application
11 expeditiously.

12 COMMISSIONER FAY: Okay. Great.

13 And then, Mr. Chairman, just one more
14 question, I appreciate it.

15 On item -- so it's on Item 5, we have
16 essentially it's a little bit different,
17 essentially a denial of -- a revocation or
18 cancellation, let's just say, of a certificate to
19 allow an entity to move forward for us to deny
20 their certification.

21 I have the same question on this one. I just
22 want to make sure we are canceling their
23 certificate which provides them as a designation of
24 a telecommunications company, but by doing that, we
25 are allowing them to then go to the FCC for

1 approval to receive these funds? And I don't know
2 if it's a Mary Anne or maybe a question for staff.

3 MS. HELTON: I am not the expert here, so I am
4 going to defer to Ms. Passidomo or staff if that's
5 more appropriate.

6 MS. TAN: Hi, this is Lee Eng Tan for legal
7 staff.

8 I was not -- because we just took this up and
9 with staff, I will just go ahead and handle it.

10 No, but that is correct. In fact, Hotwire has
11 filed concurrently with the FCC. It is actually, I
12 believe, available potentially, if you wish to ask
13 the company itself, but we are aware that they have
14 filed concurrently with the FCC and we not see it
15 as being a obstruction to their filing with the
16 FCC.

17 COMMISSIONER FAY: Okay. And that's all I
18 need. The party doesn't have to respond. I just
19 want to make sure that all -- although all three
20 are somewhat different, those denials will allow
21 them to go to the FCC and get certification to get
22 those funds.

23 It's a lot of money that's coming out of those
24 funds for those services, and I just wanted to make
25 sure that the Commission wasn't doing anything to

1 potentially slow that down or impede that, and so
2 staff has appropriately answered my questions.

3 Mr. Chairman, I am prepared to move, unless my
4 colleagues have anything they want to add.

5 CHAIRMAN CLARK: All right. Any other
6 questions on these items?

7 Thank you, Commissioner Fay. I shared the
8 same concerns that you did with these matters. I
9 didn't want to slow the process down, but I looked
10 every way possible. I think the conclusion is
11 correct, the jurisdiction is just not there for us
12 to make these interpretations, and I think it's in
13 our best interest to move these forward. I am like
14 you, I don't want to see Florida lose these funds
15 that are available. That's very important.

16 I will entertain a motion.

17 COMMISSIONER FAY: All right. Thank you, Mr.
18 Chairman.

19 I would move for approval on Items 3, 4 Its
20 I -- on all the issues on Items 3, 4 and 5.

21 COMMISSIONER LA ROSA: Second.

22 CHAIRMAN CLARK: I have a motion and a second
23 to approve all issues on Items 3, 4 and 5.

24 Any discussion?

25 On the motion, all in favor say aye.

1 (Chorus of ayes.)

2 CHAIRMAN CLARK: Opposed?

3 (No response.)

4 CHAIRMAN CLARK: Motion carries.

5 Thank you very much. Thank you, staff, for
6 that thorough evaluation.

7 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 15th day of March, 2021.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024