

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**IN RE: PETITION OF HUGHES NETWORK, :
SYSTEMS, LLC FOR DESIGNATION AS : DOCKET NO. 5126
AN ELIGIBLE TELECOMMUNICATIONS :
CARRIER IN RHODE ISLAND (HIGH COST SUPPORT) :**

ORDER

On February 9, 2021, Hughes Network Systems, LLC (Hughes) filed a Petition with the Public Utilities Commission (Commission) for Designation as an Eligible Telecommunications Carrier in Rhode Island for the purpose of receiving financial support from the Rural Digital Opportunity Fund. Hughes also requested a waiver from submitting a five-year plan that describes proposed improvements or upgrades to its network. Hughes requested the designation apply to all areas in Rhode Island where Hughes Network has been awarded Rural Digital Opportunity Fund support through the FCC’s Phase 1 Auction 904 process.¹

On March 11, 2021, the Commission published a notice soliciting comments on Hughes’ request. No responsive comments were received. On April 15, 2021, the Division of Public Utilities and Carriers (Division) submitted a recommendation that the Commission approve the designation and requested waiver.²

At an Open Meeting held on April 29, 2021, the Commission reviewed the filings and approved Hughes Network System’s LLC’s Petition for Designation as an Eligible Telecommunications Carrier (ETC) in Rhode Island for the purpose of receiving financial support from the Rural Digital Opportunity Fund. This designation applies to all areas in Rhode Island where Hughes Network has been awarded Rural Digital Opportunity Fund support through the

¹ Pet. (Feb. 9, 2021); <http://www.ripuc.ri.gov/eventsactions/docket/5126-HughesNetworks-ETCPetition%202-9-21.pdf>.

² Division Comments (Mar. 11, 2021).

Federal Communications Commission's (FCC's) Phase 1 Auction 904 process and is conditioned upon the grant of final approval by the FCC. The Commission also approved Hughes' request for a waiver from submitting a five-year plan that describes proposed improvements or upgrades to its network.

Hughes Network System, LLC is a provider of consumer satellite broadband service in the United States.³ Hughes has been granted authority to operate as a Class VI telecommunications provider in Rhode Island.⁴ As noted above, the company was awarded funding from the FCC's Auction 904 Phase 1 process in Rhode Island to receive funding for a 10-year period to provide expanded broadband service to 3,678 designated locations in Rhode Island.⁵ Hughes represented that it is required to file a post-auction application with the FCC for this funding which includes, among other things, a certification that the company has secured the applicable ETC designation covering the relevant census blocks in Rhode Island.⁶

The Commission finds that Hughes has provided evidence that it has or will meet all criteria for designation as an Eligible Telecommunications Carrier in Rhode Island with the exception of filing a five-year plan.⁷ The requested waiver from filing the five-year plan is reasonable because as part of the filings Hughes will need to make with the FCC, the company must provide detailed reports evidencing the upgrades to its network for tracking deployment of the supported services so as to ensure that the high cost funding complies with the FCC's Rural Digital Opportunity Fund's compliance requirements.⁸ The Commission further finds that based on the representations in the petition and the Division's Comments, designating Hughes as an Eligible

³ Pet. at 2.

⁴ Order No. 24012 (Apr. 5, 2021); [http://www.ripuc.ri.gov/eventsactions/docket/5125-HughesNetwork-Ord24012%20\(4-5-21\).pdf](http://www.ripuc.ri.gov/eventsactions/docket/5125-HughesNetwork-Ord24012%20(4-5-21).pdf).

⁵ Pet. at 4.

⁶ *Id.* at 5.

⁷ *See* Pet. at 5-9.

⁸ *See* Pet. at 9-10; Division Comments at 2.

Telecommunications Carrier would be in the public interest because it will provide more access to high speed broadband to underserved areas in Rhode Island.

Accordingly, it is hereby,

(24043) ORDERED:

1. Hughes Network System's LLC's Petition for Designation as an Eligible Telecommunications Carrier in Rhode Island for the purpose of receiving financial support from the Rural Digital Opportunity Fund is approved conditioned upon the grant of final approval by the FCC.
2. This designation applies to all areas in Rhode Island where Hughes Network has been awarded Rural Digital Opportunity Fund support through the FCC's Phase 1 Auction 904 process.
3. Hughes Network System's LLC's request for a waiver from submitting a five-year plan that describes proposed improvements or upgrades to its network is approved.
4. To maintain its ETC status, Hughes Network System, LLC shall comply with all reporting and compliance requirements of the Commission's Certification and Verifications Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund and of the Federal Communications Commission for high cost support, including any that are specifically related to its obligations under the Rural Digital Opportunity Fund, and to provide this Commission with any information necessary for this Commission to process the annual certification required by 47 C.F.R. § 54.314.
5. Hughes Network System, LLC shall file written documentation of final approval by the Federal Communications Commission's within thirty (30) days of issuance.

EFFECTIVE AT WARWICK, RHODE ISLAND ON APRIL 29, 2021 PURSUANT TO AN OPEN MEETING DECISION ON APRIL 29, 2021. WRITTEN ORDER ISSUED ON MAY 6, 2021.

PUBLIC UTILITIES COMMISSION



Ronald T. Gerwatowski, Chairman



Abigail Anthony, Commissioner



John C. Revens, Jr., Commissioner

NOTICE OF RIGHT OF APPEAL: Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may, within seven (7) days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.