Chapter 480-123 WAC
UNIVERSAL SERVICE

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480-123-010 Federal universal service contracts.
480-123-020 Definitions.
480-123-030 Contents of petition for eligible telecommunications carriers.
480-123-040 Approval of petitions for eligible telecommunications carriers.
480-123-050 Revocation of eligible telecommunications carrier designation.
480-123-060 Annual certification of eligible telecommunications carriers.
480-123-070 Annual certifications and reports.
480-123-080 Annual plan for universal service support expenditures.
480-123-100 Prerequisites for requesting program support.
480-123-110 Petitions for eligibility to receive program support.
480-123-120 Eligibility and distributions from the program.
480-123-130 Reporting requirements.
480-123-140 Commission compliance review of accounts and records.
480-123-150 Advisory board.
480-123-160 Resolution of disputes.
480-123-170 Operation of the program.
480-123-999 Adoption by reference.

WAC 480-123-010 Federal universal service contracts. For purposes of schools and libraries receiving federal universal service funding under 47 C.F.R., Part 54 of the Federal Communications Commission rules, the following intrastate discounts shall apply:

SCHOOLS AND LIBRARIES DISCOUNT MATRIX HOW DISADVANTAGED?	DISCOUNT LEVEL	
% of students eligible for national school lunch program	urban discount (%)	rural discount (%)
<1	20	25
1-19	40	50
20-34	50	60
35-49	60	70
50-74	80	80
75-100	90	90

[Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-010, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. WSR 98-04-028 (Order R-448, Docket No. UT-970317), § 480-123-010, filed 1/28/98, effective 2/28/98.]

WAC 480-123-020 Definitions. As used in this chapter:

"Applicant" means any person applying to an eligible telecommunications carrier for new service or reconnection of discontinued service.

"Broadband service" means any service providing advanced telecommunications capability, including internet access and access to high quality voice, data, graphics or video. To be considered advanced telecommunications, broadband must be at, or above, a minimum download speed and a minimum upload speed. The commission will establish a minimum upload speed standard and a minimum download speed standard for broadband service to be considered advanced telecommunications. The commission will take federal and state standards into consideration when it sets the standard. Any broadband standards that are establish-

ed in these rules or by commission order may be met by the communications provider or its affiliate or a combination of both. The affiliate cannot be receiving support from this program.

"Communications provider" or "provider" means a company providing communications service that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

"Communications services" includes telecommunications services and information services and any combination of these services.

"Eligible telecommunications carrier" and "ETC" means a carrier designated by the commission as eligible to receive support from federal universal service mechanisms in exchange for providing services supported by federal universal service mechanisms.

"Facilities" means for the purpose of WAC 480-123-030 (1)(b) any physical components of the telecommunications network that are used in the transmission or routing of the services that are supported by federal universal service mechanisms.

".shp format" means the format used for creating and storing digital maps composed of shape files capable of being opened by the computer application ArcGIS™.

"Program" means the state universal communications services program created in RCW 80.36.650.

"Service area" means all of the designated exchanges served by a company in the state.

"Service outage" means a significant degradation in the ability of an end user to establish and maintain a channel of voice communications as a result of failure or degradation in the performance of a communications provider's network.

"Substantive" means sufficiently detailed and technically specific to permit the commission to evaluate whether federal universal service support has had, or will have, benefits for customers. For example, information about investments and expenses that will provide, increase, or maintain service quality, signal coverage, or network capacity, and information about the number of customers that benefit, and how they will benefit is sufficient to enable evaluation.

"Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

"Unsworn statement" means a statement made under penalty of perjury, as set forth in RCW 5.50.050.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-020, filed 6/7/23, effective 7/8/23. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-020, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-020, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-020, filed 5/22/14, effective 6/22/14. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-020, filed 6/28/06, effective 7/29/06.]

WAC 480-123-030 Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain:

(a) A description of the area or areas for which designation is sought;

(b) A statement that the carrier will offer the services supported by federal universal service support mechanisms throughout the area for which it seeks designation, 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 ETC);

(c) A description of how it will provide each supported service;

(d) A substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers;

(e) A statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts;

(f) For wireless petitioners, a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals;

(g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates that, when commercial power is not available, it has a reasonable amount of backup power (fixed, portable or other backup power source) for its cell sites, and backup power for its switches as prescribed in WAC 480-120-411(3) for LEC central offices; and cell sites do not include any small cell facility as defined in RCW 80.36.375 (2)(d) or any in building wireless installation; and

(h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.

(2) A company officer must submit the petition in the manner required by RCW 5.50.050.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-030, filed 6/7/23, effective 7/8/23. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-030, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-030, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-030, filed 6/28/06, effective 7/29/06.]

WAC 480-123-040 Approval of petitions for eligible telecommunications carriers. The commission will approve a petition for designation as an ETC if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-040, filed 6/28/06, effective 7/29/06.]

WAC 480-123-050 Revocation of eligible telecommunications carrier designation. Subject to notice and an opportunity to be heard, the commission may decline to grant annual certification, and may revoke, suspend, or modify a designation granted previously if it determines that the ETC has failed to comply with the requirements of section 47 U.S.C. Sec. 214(e)(1) or any other conditions imposed by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-050, filed 6/28/06, effective 7/29/06.]

WAC 480-123-060 Annual certification of eligible telecommunications carriers. (1) Each ETC seeking certification of the ETC's use of federal high-cost funds pursuant to 47 C.F.R. Sec. 54.314 must request certification by July 1st each year. The ETC must certify that all federal high-cost support provided to the ETC within Washington state was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The certification must be submitted by a company officer in the manner required by RCW 5.50.050.

(2) The commission will certify an ETC's use of federal high-cost universal service fund support, pursuant to 47 C.F.R. Sec. 54.314 only if the ETC complies with the requirements in WAC 480-123-070, and the ETC demonstrates that it will use federal high-cost funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended through the requirements of WAC 480-123-080.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-060, filed 6/7/23, effective 7/8/23. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-060, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-060, filed 6/28/06, effective 7/29/06.]

WAC 480-123-070 Annual certifications and reports. Not later than July 1st of each year, every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in this section. The certifications and reports are for

activity related to Washington state in the period January 1st through December 31st of the previous year. A company officer must submit the certifications in the manner required by RCW 5.50.050.

(1) **Report on use of federal funds and benefits to customers.**

(a) The report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund.

The report must include the company's gross capital expenditures and operating expenses made with federal high-cost support received by the ETC in the preceding calendar year along with a description of major projects and affected exchanges. A rate of return wireline ETC must also include a copy of its NECA-1 report for the preceding calendar year.

(b) Every ETC must provide a substantive description of the benefits to consumers that resulted from the investments and expenses reported pursuant to (a) of this subsection.

(2) **Local service outage report.**

(a) The report must include detailed information on any outage in the service area (during the prior calendar year) of at least 30 minutes in duration in which the ETC owns, operates, leases, or otherwise utilizes facilities, that potentially affect:

(i) At least 10 percent of the end users; or

(ii) A 911 special facility, as defined in 47 C.F.R. Sec. 4.5(e).

(b) Specifically, the ETC's annual report must include information detailing:

(i) The date and time of onset and duration of the outage;

(ii) A brief description of the outage and its resolution;

(iii) The particular services affected;

(iv) The geographic areas affected by the outage;

(v) Steps taken to prevent a similar situation in the future; and

(vi) The number of customers affected.

(3) **Report on failure to provide service.** The report must include the number of requests for service from potential customers within its designated service area that were unfulfilled during the prior calendar year. The ETC must also detail how it attempted to provide service to those potential customers.

(4) **Report on complaints per 1,000 connections (fixed or mobile).** The report must provide separate totals for the number of complaints that the ETC's customers made to the Federal Communications Commission and the consumer protection division of the office of the attorney general of Washington. The ETC must also report the number of consumer complaints in each general category (for example, billing disputes, service quality).

(5) **Certification of compliance with applicable service quality standards and consumer protection rules.** Certify that it met substantially the applicable service quality standards and consumer protection rules found in WAC 480-123-030 (1)(h).

(6) **Certification of ability to function in emergency situations.** Certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g).

(7) **Advertising certification, including advertisement on Indian reservations.** Certify it has publicized the availability of its applicable telephone assistance programs, such as Lifeline, in a manner reasonably designed to reach those likely to qualify for service, including residents of federally recognized Indian reservations within the ETC's designated service area. Such publicity should include ad-

vertisements likely to reach those who are not current customers of the ETC within its designated service area.

(8) **Report filing alternatives.** To the extent the company has filed a report with a federal agency that provides the data requested by the commission, the company can refer to that docket number and the date the information was filed with the federal agency.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-070, filed 6/7/23, effective 7/8/23. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-070, filed 5/27/20, effective 6/27/20. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-070, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-070, filed 6/28/06, effective 7/29/06.]

WAC 480-123-080 Annual plan for universal service support expenditures. (1) Not later than July 1st of each year, every ETC that receives federal support from any category in the federal high-cost fund must report the planned use of federal support related to Washington state that will be received during the coming calendar year. The report must include the company's planned gross capital expenditures and operating expenses made with federal high-cost support received by the ETC for the coming calendar year along with a description of major projects and affected exchanges.

(2) The report must include a substantive plan of the investments and expenditures to be made with federal support and a substantive description of how those investments and expenditures will benefit customers.

(3) As part of the initial ETC petition for federal high-cost support, and at least once every three years thereafter, a wireless ETC must submit a map in .shp format that shows the general location where it provides commercial mobile radio service signals.

[Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-080, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-080, filed 6/28/06, effective 7/29/06.]

WAC 480-123-100 Prerequisites for requesting program support. (1) **Wireline communications providers.** A wireline communications provider may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is a local exchange company as defined in WAC 480-120-021 that serves fewer than forty thousand access lines within the state;

(b) The provider is an incumbent local exchange carrier as defined in 47 U.S.C. Sec. 251(h) or has been designated as an incumbent local exchange carrier by the Federal Communications Commission;

(c) The provider offers basic residential and business exchange telecommunications services as set forth in WAC 480-120-021 and RCW 80.36.630;

(d) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service; and

(e) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D – Universal Service Support for High Cost Areas, with respect to the service areas for which the provider is seeking program support.

(2) **Wireless communications providers.** A wireless communications provider may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is licensed by the Federal Communications Commission to offer commercial mobile radio service within the state of Washington;

(b) The provider serves fewer than the equivalent of forty thousand access lines in Washington;

(c) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service; and

(d) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D – Universal Service Support for High Cost Areas, with respect to the service areas for which the provider is seeking program support.

(3) **Other communications providers.** A communications provider other than a provider specified in subsection (1) or (2) of this section may seek support for telecommunications and broadband services from the program if the provider satisfies all of the following requirements:

(a) The provider is authorized by both the Federal Communications Commission and the commission to provide telecommunications service within the state of Washington;

(b) The provider demonstrates that it can provide the same or comparable services at the same or similar service quality standards at a lower price;

(c) The provider demonstrates it can provide telecommunications and broadband services to all residential and business locations within the exchange or exchanges for which it requests program support and irrevocably commits to maintain that capability for as long as it receives support and to serve all persons requesting such service within such exchange or exchanges;

(d) The provider submits to the commission's regulation of its service as if it were the incumbent local exchange company serving the exchange or exchanges for which it seeks support from the program;

(e) The provider has established a plan, as described in WAC 480-123-110, to provide, maintain, or enhance broadband service;

(f) The provider offers basic residential and business exchange telecommunications services as set forth in WAC 480-120-021 and RCW 80.36.630; and

(g) The provider has been designated by the commission as an ETC for purposes of receiving federal universal service support pursuant to 47 C.F.R. Part 54 Subpart D – Universal Service Support for High

Cost Areas, with respect to the service areas for which the provider is seeking program support.

(4) In calculating access lines or equivalents under this section, the access lines or equivalents of all affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington; provided that only the wireline access lines of the affiliates of a provider seeking support as a wireline carrier will count toward the single threshold for that provider, and only the wireless access line equivalents of the affiliates of a provider seeking support as a wireless carrier will count toward the single threshold for that provider.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-100, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-100, filed 10/7/14 and 5/22/14, effective 6/22/14.]

WAC 480-123-110 Petitions for eligibility to receive program support. (1) **Wireline communications providers.** A wireline communications provider that satisfies the prerequisites in WAC 480-123-100 may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the following information:

(a) The name of the legal entity that provides communications services and is seeking program support;

(b) A corporate organization chart showing the relationship between the legal entity identified in (a) of this subsection and all affiliates as defined in RCW 80.16.010 and a detailed description of any transactions between the provider and those affiliates recorded in the provider's operating accounts;

(c) A service area map or detailed reference to any maps on file with the commission showing the provider's Washington service area;

(d) The provider's broadband plan to provide, maintain, or enhance broadband services in its service area should include the following elements, to the extent applicable to the broadband plan:

(i) Multiyear investment plan;

(ii) Specific project(s) that are projected to provide or enhance broadband services at speeds required by the commission or the Federal Communications Commission. Project information will include an estimated timeline, geographic location, number of locations passed, and upload and download speeds;

(iii) A plan for maintenance of broadband services in the provider's service area;

(iv) A description for how the provider will enhance broadband services in its service area; and

(v) Any supporting information that the commission requests to assist its review and analysis of the provider's broadband plan.

(e) For a provider that is seeking support under (j)(i) of this subsection, detailed financial information and supporting documentation in a form prescribed by the commission for the provider's total Washington regulated operations for the two calendar years prior to

the year in which the provider is filing the petition including, but not limited to, the following:

(i) The provider's balance sheet and statements of income and retained earnings or margin from, or in the same format and detail required in, Rural Utilities Service (RUS) Form 479;

(ii) The provider's consolidated audited financial statements; if the provider does not have consolidated audited financial statements prepared in the normal course of its business, the provider must submit financial statements reviewed by a certified public accountant;

(iii) Information demonstrating the provider's earned rate of return on a total Washington unseparated regulated operations basis for each of the two prior years;

(iv) Information demonstrating the provider's earned return on equity on a total company (regulated and nonregulated) Washington basis for each of the two prior years;

(v) Information detailing all of the provider's revenues from the statements of income and retained earnings or margin section of RUS Form 479 for the two prior years; if the provider does not submit RUS Form 479, the provider must file with the commission the same revenue information specified in this subsection that is required to complete the applicable portion of that form;

(vi) Information summarizing the amounts of any corporate operations adjustments to existing high-cost loop and interstate common line support mechanisms the Federal Communications Commission required of the provider for the two prior years or a sworn statement by a company officer certifying that no such adjustments apply to the provider; and

(vii) Any additional supporting information the commission requests to enable it to analyze the provider's financial results for program purposes.

(f) An unsworn statement by a company officer certifying that the company complies with state and federal accounting, cost allocation, and cost adjustment rules pertaining to incumbent local exchange carriers;

(g) Information detailing the number of residential and business local exchange access lines and broadband connections the provider or its affiliate served as of December 31st for each of the prior two years, and the unbundled monthly basic rate(s) or charge(s) applicable to each customer class;

(h) An unsworn statement by a company officer certifying that if the provider receives program support it will continue to provide communications services throughout its service territory in Washington for which it is seeking and receives program support and the provider, or its affiliate if appropriate, will continue to provide broadband services during the entirety of the year in which the provider is applying for support from the program;

(i) An unsworn statement by a company officer certifying that the provider is in compliance with the Federal Communications Commission's obligations for deployment of broadband at speeds specified by the Federal Communications Commission that apply to the provider; and

(j) Satisfaction of at least one of the following eligibility criteria:

(i) Eligibility criterion one: An unsworn statement by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements. Additionally, a pro-

vider that elects to petition the program for support under this category is subject to review of its rate of return and financial reporting requirements as described in (e) of this subsection.

(ii) Eligibility criterion two: An unsworn statement by a company officer certifying that the provider commits to the deployment of broadband to the number of locations the commission has determined by order. Such deployment obligations are in addition to any Federal Communications Commission deployment requirements.

(iii) Eligibility criterion three: An unsworn statement by a company officer certifying that the provider has already met the Federal Communications Commission's total deployment obligations associated with federal high-cost program support as of the date of the petition and that since January 1, 2018, the provider has deployed broadband to the number of locations the commission has determined by order. If a company has deployed broadband to a number of locations less than the number required by commission order, the company certifies that it will deploy broadband to the remaining number of locations.

(iv) Eligibility criterion four: An unsworn statement by a company officer certifying that broadband service is available to 100 percent of locations within the provider's service area, and commits to making broadband service available to any new locations.

(2) **Wireless communications providers.** A wireless communications provider that meets the requirements in WAC 480-123-100 may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the same type of information for the same periods required of wireline communications providers in subsection (1) of this section. The first time a wireless communications provider seeks to file such a petition, the provider must first submit its request to the advisory board, pursuant to any guidelines the advisory board will adopt, detailing how the provider will compile and supply the information required by this rule. The advisory board will make a recommendation to the commission, and the commission will determine the precise information the provider must file in support of its petition.

(3) **Other communications providers.** A communications provider other than a provider specified in subsection (1) or (2) of this section that meets the requirements of RCW 80.36.650 (3)(b) and WAC 480-123-100(3) may petition the commission to receive support from the program. The provider must petition the commission each year to be eligible to receive support from the program the following year. The petition must include the same type of information for the same periods required of communications providers in subsection (1) of this section. The first time a communications provider seeks to file such a petition under this section, the provider must first submit its request to the advisory board, pursuant to any guidelines the advisory board will adopt, detailing how the provider will compile and supply the information required by this rule. The advisory board will make a recommendation to the commission, and the commission will determine the information the provider must file in support of its petition.

(4) **Information already on file with the commission.** To the extent that the provider has filed with the commission any of the information required under this rule, the provider need not include that same information in its petition so long as the provider identifies the docket number, documents, and location within those documents in which the provider included that information.

(5) **Timing of petitions.** A provider must file a complete petition that fully complies with this section no later than August 2nd if the company seeks support from the program for the following calendar year.

(6) **Certification.** One or more company officers responsible for the provider's business and financial operations must certify in the form of a sworn statement that the information and representations made in the petition are accurate and that the provider has not knowingly withheld any information required to be provided to the commission pursuant to the rules governing the program. The provider must file this certification with its petition.

(7) Affiliated companies may submit a combined petition for support.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-110, filed 6/7/23, effective 7/8/23. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-110, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-110, filed 10/7/14 and 5/22/14, effective 6/22/14.]

WAC 480-123-120 Eligibility and distributions from the program. The commission will authorize distributions from the program on an annual basis. Each eligible provider will receive a single distribution for the year after January 1st of each year of eligibility, except as otherwise authorized by the commission.

(1) **Eligibility determination.** A wireline communications provider that complies with the requirements in WAC 480-123-110 is eligible to receive distributions from the program. The commission will make a final eligibility determination in its order granting or denying a provider's petition to receive program support. The eligibility criterion that a provider elects will be used in analyzing the provider's plan to provide, maintain, or enhance broadband services in its service area. The commission will consider the information filed by the provider in accordance with WAC 480-123-110.

(2) **Calculation of support amount.** The amount that a wireline communications provider eligible to receive support from the program may receive in a calendar year shall be no greater than its pro rata share of the cumulative reduction in support from the Connect America Fund Intercarrier Compensation incurred by the provider, up through and including the fiscal year ending June 30, 2020. A provider that seeks a distribution under eligibility criteria two, three, or four will receive support based on their broadband plan and other applicable eligibility requirements. For distribution under eligibility criterion one, the commission will distribute fifty percent of a provider's pro rata share of program support if the provider does not exceed a reasonable rate-of-return threshold applicable to the provider's circumstances and will distribute the remaining fifty percent if the provider commits and demonstrates progress in deploying broadband in accordance with the commission's deployment plan. A company's pro rata share of available funds is calculated after commission expenses.

(3) **Distribution to wireless communications providers.** The advisory board will make a recommendation to the commission on eligibility and distribution calculations for any wireless communications provider that seeks support from the program, and the commission will determine that provider's eligibility and the amount of support, if any, the provider may receive consistent with RCW 80.36.650 and commission rules.

(4) **Distribution to other communications providers.** The advisory board will make a recommendation to the commission on eligibility and distribution calculations for any other communications provider that seeks support from the program, and the commission will determine that provider's eligibility and the amount of support, if any, the provider may receive consistent with RCW 80.36.650 and commission rules.

(5) **Broadband commitment.** To receive support from the program, a communications provider must commit to deploying broadband to at least those locations comprising the broadband deployment obligation determined by the commission. Such deployment obligation is in addition to any Federal Communications Commission deployment requirements.

(6) **Total requests in excess of available funds.** If the total requests for support for a calendar year exceed the program funds available for that year, the commission will distribute the available funds to eligible carriers on a pro rata basis. If there is a pro rata reduction or increase in support, the company's broadband buildout obligation will be adjusted proportionately. The commission may seek a recommendation from the advisory board on the best pro rata distribution methodology to use.

(7) **Commission determination.** The commission will consider petitions from companies seeking support from the program and will make the necessary eligibility and distribution determinations in response to those petitions prior to January 1st of the calendar year in which funds from the program will be distributed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-120, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-120, filed 10/7/14 and 5/22/14, effective 6/22/14.]

WAC 480-123-130 Reporting requirements. (1) **Wireline communications provider reports.** A wireline communications provider that receives program support must submit the following information and reports to the commission on or before July 1st of the year following each calendar year in which the provider receives that support unless a different date is specified below:

(a) The number of residential and business access lines and broadband connections served within the state of Washington for which the provider used program support during the preceding calendar year in the provision of basic telecommunications and broadband service (broken down to reflect beginning and end of year quantities);

(b) Detailed information on how the provider used program support during the preceding year to maintain, provide, or enhance telecommunications services;

(c) Detailed information on how the provider used program support during the preceding year to meet the provider's broadband buildout requirement. Information must include location information in the same format that broadband specific location data is filed with the Federal Communications Commission or the Universal Service Administrative Company. If the data format or reporting data fields change, the providers and commission staff will work together to revise the requirements and format;

(d) A list with detailed information of all consumer requests for new basic telecommunications service in the area for which the provider received program support during the preceding year that the provider denied or did not fulfill for any reason;

(e) An unsworn statement from a company officer of the provider certifying that, during the preceding year, the provider materially complied with all commission rules in chapter 480-120 WAC that are applicable to the provider and its provision of service within the area for which the provider received program support;

(f) An unsworn statement by a company officer certifying that during the preceding year, the provider met the requirements of WAC 480-123-120(5);

(g) Broadband availability data as required by the commission;

(h) A report on operational efficiencies and business plan modifications for the area for which the provider receives program support during the preceding year that the provider has undertaken to transition or expand from primary provision of legacy voice telephone service to broadband service or otherwise reduce its reliance on support from the program, and whether and how disbursements from the program were used to accomplish such outcomes;

(i) The provider's Form 477 Subscription Data at the census tract level on a Washington state basis that provides data in the same format and within 14 calendar days of the dates the data is provided to the Federal Communications Commission;

(j) Detailed information on any other efforts the provider made to use program support to advance universal service and the public interest in Washington; and

(k) Any other information or reports the commission requires including, but not limited to, information the commission needs to provide a report to the legislature concerning the program.

(2) **Wireless communications provider reports.** The advisory board will make a recommendation to the commission on the information and reports that any wireless communications provider that receives support from the program should provide, and the commission will determine the information and reports the provider must provide consistent with RCW 80.36.650 and commission rules.

(3) **Other communications provider reports.** The advisory board will make a recommendation to the commission on the information and reports that any communications provider other than a provider specified in subsections (1) and (2) of this section that receives support from the program should provide, and the commission will determine the information and reports the provider must provide consistent with RCW 80.36.650 and commission rules.

(4) **Information already on file with the commission.** To the extent that the provider has filed with the commission any of the information required under this rule in conjunction with its application for certification as an ETC, the provider need not include that same information in its report so long as the provider identifies the dock-

et number, documents, and location within those documents in which the provider included that information.

(5) **Comments from stakeholders.** Interested persons may submit information or comments on any of the issues on which the providers must report under this rule. Persons must submit such information or comments by July 1st of the year following each calendar year in which the commission distributes program support.

[Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 23-13-003, § 480-123-130, filed 6/7/23, effective 7/8/23. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-130, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-130, filed 5/22/14, effective 6/22/14.]

WAC 480-123-140 Commission compliance review of accounts and records. Communications providers that receive program support are subject to compliance reviews and other investigations by the commission to ensure compliance with program rules and orders. Each provider shall retain all records required to demonstrate to the commission that the support the provider received was consistent with RCW 80.36.650 and commission rules and orders. Providers shall retain all such documentation for at least five years from the distribution of program funds, and a provider shall make that documentation available to the commission upon request. Any eligible providers authorized to receive program support that fail to comply with public interest obligations under federal or Washington law or any other terms and conditions established by the commission may be subject to further action, including the commission's existing enforcement procedures and penalties, reductions in program support amounts, potential revocation of program eligibility designation, and suspension from, or disentitlement to future participation in the program.

[Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-140, filed 5/22/14, effective 6/22/14.]

WAC 480-123-150 Advisory board. (1) **Establishment.** The commission will establish an industry and consumer advisory board to provide recommendations to the commission on the implementation and management of the program.

(2) **Membership.** The commission secretary is authorized to solicit nominations, approve membership on the board, and determine and modify the number of seats on the board.

(a) The board will be comprised of members representing the following interests:

(i) One from incumbent local exchange companies serving fewer than forty thousand access lines in Washington;

(ii) One from incumbent local exchange companies serving more than forty thousand access lines in Washington;

(iii) One from competitive local exchange companies serving customers in Washington;

(iv) One from wireless communications providers offering service in Washington;

(v) One from the governor's state broadband office;

(vi) One from the public counsel unit of the office of the attorney general of Washington; and

(vii) One from the commission staff.

(b) Commission staff and public counsel shall have permanent membership on the board. The commission will appoint industry members for a term of three years, at the expiration of which the industry members are eligible for appointment to two subsequent three-year terms.

(3) **Duties.** The board shall:

(a) Have a consultative role on matters directly referred to it by the commission;

(b) Conduct meetings no less frequently than once per year;

(c) Conduct all meetings as public meetings in accordance with the Open Public Meetings Act, chapter 42.30 RCW; and

(d) Prepare and submit to the commission a written report on matters brought to it for consideration including, where appropriate, a recommendation to the commission on potential resolution of such matters.

(4) **Initiating board action.** The commission alone may initiate board action other than the execution of administrative duties, which the board may conduct on its own initiative. Any person who seeks board participation on program issues or matters must petition the commission to initiate board action.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-150, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-21-045 and WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-150, filed 10/7/14 and 5/22/14, effective 6/22/14.]

WAC 480-123-160 Resolution of disputes. An affected provider may petition the commission to resolve any disputed matter concerning the program including, but not necessarily limited to, the provider's eligibility to receive program support, the amount or timing of any distribution of support, and calculations of the provider's revenues and earnings levels. The commission may refer such requests to the advisory board as the initial point of review and consideration of the matter for which a provider seeks resolution. The commission will make the final determination on any petition.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.[3]6.680, 80.36.690, and 80.36.700. WSR 20-12-021 (Docket UT-190437, General Order R-598), § 480-123-160, filed 5/27/20, effective 6/27/20. Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-160, filed 5/22/14, effective 6/22/14.]

WAC 480-123-170 Operation of the program. The commission will authorize and process payments from the universal communications services account for providers that the commission determines have met the requirements of WAC 480-123-100 through 480-123-140.

[Statutory Authority: RCW 80.01.040(4), 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700. WSR 14-12-008 (Docket UT-131239, General Order R-575), § 480-123-170, filed 5/22/14, effective 6/22/14.]

WAC 480-123-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(a) The commission adopts the version copyrighted in 2023.

(b) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(c) Copies of the CTIA Consumer Code for Wireless Service are available at https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service.

(2) Title 47, Code of Federal Regulations, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on December 31, 2024.

(b) This publication is referenced in WAC 480-123-010 (Federal universal service contracts), WAC 480-123-060 (Annual certification of eligible telecommunications carriers), WAC 480-123-070 (Annual certifications and reports), WAC 480-123-100 (Prerequisites for requesting program support), and WAC 480-123-110 (Petitions for eligibility to receive program support).

(c) The 2023 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, https://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353. WSR 25-15-030, s 480-123-999, filed 7/8/25, effective 8/8/25. Statutory Authority: RCW 80.10.040 [80.01.040], 80.04.160, 81.04.160, and 34.05.353. WSR 24-13-092, § 480-123-999, filed 6/18/24, effective 7/19/24; WSR 23-13-003, § 480-123-999, filed 6/7/23, effective 7/8/23; WSR 22-15-104, § 480-123-999, filed 7/19/22, effective 8/19/22; WSR 21-13-130, § 480-123-999, filed 6/22/21, effective 7/23/21; WSR 19-14-118, § 480-123-999, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-123-999, filed 7/13/17, effective 8/13/17. Statutory Authority: Chapter 19.122 RCW, RCW 19.122.053, 80.01.040, and 80.04.160. WSR 15-08-043 (Docket UT-140680, General Order R-580), § 480-123-999, filed 3/26/15, effective 4/26/15. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 13-05-023 (Docket A-121496, General Order R-569), § 480-123-999, filed 2/11/13, effective 3/14/13; WSR 12-05-063 (Docket A-111722, General Order R-564), § 480-123-999, filed 2/15/12, effective 3/17/12; WSR 09-01-171 (Docket A-081419, Gen-

eral Order R-554), § 480-123-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. WSR 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-999, filed 6/28/06, effective 7/29/06.]