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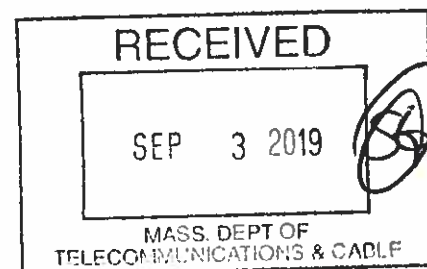
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* ALSO ADMITTED IN CONNECTICUT
** ALSO ADMITTED IN DISTRICT OF COLUMBIA
*** ALSO ADMITTED IN SOUTH CAROLINA

August 27, 2019

VIA EMAIL and U.S. POST

Ms. Rosalie Fazio-Eynullayeva,
Counsel II
Department of Telecommunications & Cable
1000 Washington Street, 8th Floor, Suite 820
Boston, MA 02118-6500



RE: Crocker Communications, Inc.'s Notice of Relinquishment of its Eligible
Telecommunications Carrier Designation Pursuant to 47 U.S.C. §214(e)(4)

Dear Attorney Fazio-Eynullayeva:

Enclosed please find an original and three (3) copies of Crocker Communications, Inc.'s Notice of Relinquishment of Its Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. §214(e)(4). Additionally, I have enclosed a check in the amount of \$100.00 for the filing fee and the requisite Certificate of Service.

If you have any questions about this Notice, kindly contact the undersigned.

Very truly yours,


Deborah A. Basile

DAB/kah
Enclosure

CC: Shonda Green (via email)
Joseph Tiernan (via email)
Sean M. Carroll (via email)
Matthew Crocker (via email)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

| | | |
|--|---|------------------------|
| In the Matter of |) | |
| Crocker Communications, Inc. |) | |
| |) | Docket No. D.T.C. 18-4 |
| Notice of Relinquishment of Its |) | |
| Eligible Telecommunications Carrier |) | |
| Designation Pursuant to 47 U.S.C. §214(e)(4) |) | |
| _____ |) | |

**CROCKER COMMUNICATIONS, INC. NOTICE OF RELINQUISHMENT
OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION
PURSUANT TO 47 U.S.C. §214(e)(4)**

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P.O. Box 710
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Tel: 413-733-1988
Fax: 800-413-5463
Eligible Telecommunications Carrier

August 27, 2019

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of)
Crocker Communications, Inc.)
)
Notice of Relinquishment of Its)
Eligible Telecommunications Carrier)
Designation Pursuant to 47 U.S.C. §214(e)(4))
_____)

Docket No. D.T.C. 18-4

**CROCKER COMMUNICATIONS, INC. NOTICE OF RELINQUISHMENT
OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION
PURSUANT TO 47 U.S.C. §214(e)(4)**

Pursuant to 47 U.S.C. §214(e)(4), 47 C.F.R. § 54.205(a), and the Department of Telecommunications and Cable’s (“Department”) regulations and requirements Crocker Communications, Inc. (hereinafter, “Crocker”) hereby submits this notice of relinquishment of its eligible telecommunications carrier (“ETC”) designation in the Commonwealth of Massachusetts, effective as of October 31, 2019. As explained herein, this relinquishment of Crocker’s ETC designation meets all applicable requirements and should be expeditiously granted.

COMMUNICATIONS REGARDING THIS NOTICE

All pleading, correspondence and communications regarding this Notice should be addressed as follows:

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Crocker Communications, Inc.

P.O. Box 710

Greenfield, MA 01301

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I. BACKGROUND

On February 15, 2019, the Department designated Crocker as an ETC pursuant to 47 U.S.C. §214(e)(4) in 53 census blocks with the Town of Sandisfield and Tolland, Massachusetts (the “Service Area”). Crocker requested designation as an ETC in order to permit it to receive funding that it was provisionally awarded under the Federal Communications Commission’s (“FCC”) Connect America Fund Phase II Auction (“CAF II Auction”). Crocker was preparing to provide broadband services to unserved and underserved locations in the Service Area.

¹ *Crocker Communications, Inc.’s Petition for Designation as an Eligible Telecommunications Carrier*, D.T.C. 18-4, Order Approving Petition (February 15, 2019) (“*Designation Order*”).

II. CROCKER'S REQUEST FOR RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

Crocker now wishes to relinquish its ETC designation in Massachusetts, effective October 31, 2019 because the CAF II funds have been withdrawn as further explained below. Though Crocker will no longer receive federal low-cost universal service support or reimbursement after the effective date of its relinquishment, it will continue to provide broadband service in Massachusetts as a non-ETC, meaning that existing and future subscribers can continue to receive broadband service from Crocker. Following its designation as an ETC for census block groups in the Towns of Sandisfield and Tolland, Crocker was working with both towns in an attempt to deliver broadband service that was financially viable. Recently, Crocker was informed that the Towns have decided to pursue other options for their broadband needs. Attached is a copy of a letter dated May 14, 2019 from the Town of Sandisfield, Board of Selectmen indicating that the Town is going to proceed with the offer from Charter Communications. (See Exhibit A). The Town of Tolland has verbally informed Crocker that it has decided to pursue other options for broadband services. The Towns have withdrawn their support of the Crocker solution and therefore the project is no longer financially viable.

As background, When Crocker was awarded the CAF-II auction Crocker filed the "long form" application with the FCC which provided details of the anticipated project including the funding plan and technology details. The FCC reviewed the long form and made a determination as to whether the funding plan was realistic and sustainable. Crocker anticipated and reported on the "long form" three possible sources of funding for the project.

- MBI Flexible Grant Program (FGP) funds to finance approximately one third of the cost of the project. The FGP funds are typically allocated to the towns and the towns then choose which vendors they will work with. The Towns of Sandisfield and Tolland, Massachusetts indicated to the Department that they were interested in working with Crocker provided that Crocker was able to secure the remaining funding.

- FCC CAF-II Auction funds were provisionally awarded to Crocker but not finally awarded. It was projected that CAF-II funds would finance fifteen percent of the build out paid over ten years. The FCC withdrew the CAF-II funds when it was determined that the Towns would work with another vendor, not Crocker. The FCC was aware of the risks to the funding plan contemplated by Crocker and withheld its decision to withdraw the CAF funds until the last minute.

- USDA Grant funds. Crocker was in the process of submitting an application for the USDA Broadband grant/loan program when the towns decided to work with another vendor.

In addition, the MBI FGP funds went with the Towns to the other vendor when the Towns decided to work with another vendor. Without the FGP funds the project is not financially feasible for Crocker.

The FCC has denied Crocker's CAF-II auction due to the financial infeasibility and Crocker is no longer pursuing providing broadband service in the Towns of Sandisfield and Tolland.

A. Crocker's Relinquishment of ETC Designation Complies With Federal Law

The Department "shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier:"²

47 U.S.C. section 214(e)(4) states in relevant part:

(4) Relinquishment of universal service

A state commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by an remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

² 47 U.S.C. §214(e)(4)

In summary, the statutory requirements for relinquishing ETC designation are (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed.

The relevant FCC rule essentially reiterates the same requirements.³

Crocker's application for relinquishment of its ETC designation in Massachusetts complies with federal law and must be granted because: (1) there is currently more than one ETC service the ETC Service Area; (2) Crocker is providing advance notice to the Department of such relinquishment; (3) Crocker will continue providing service to its customers, and additionally, the remaining ETCs in the market are able to serve the universal service needs of consumers within their respective designated service area, which cover the ETC Service Area; and (4) no additional facilities will need to be purchased or constructed by the remaining ETCs.

1. There Is More Than One ETC Currently Servicing the ETC Service Area

Crocker's ETC Service Area is currently served by more than one provider. Crocker's ETC Service Area includes wire centers served by incumbent wireline local exchange carriers ("ILEC"): Verizon New England Inc. d/b/a/ Verizon Massachusetts. Charter Communications, Inc. To the best of Crocker's knowledge, Verizon has been designated

³ 47 C.F.R. §54.205(a).

as an ETC. In addition, Crocker's ETC Service Area is currently serviced by multiple ETCs ("CETC") including, Verizon. Because at least one other ETC (in addition to Crocker) serves in Crocker's ETC Service Area, applicable federal law requires the Department to permit Crocker to relinquish its ETC designation.

2. Crocker is Providing Advance Notice to the Department

Consistent with 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205(a), Crocker is filing this notice sixty days in advance of the requested effective date of relinquishment of its ETC designation on October 31, 2019. This advance notice satisfies the requirement to provide advance notice to the Department of Crocker's intent to relinquish its ETC designation.

3. Both Crocker and the Remaining ETCs Will Serve Consumers

Crocker will continue to serve customers throughout the ETC Service Area, providing uninterrupted service upon the effective date of its relinquishment of its ETC designation. To the best of Crocker's knowledge, the designated ILEC ETCs and CTECs in Crocker's ETC Service Area (Verizon) will also continue to serve customers in the ETC Service Area. Thus, all customers within Crocker's ETC Service Area will continue to be served by an ETC consistent with 47 U.S.C. §214(e).

Crocker has no Lifeline customers in the Service Area.

4. No Additional Facilities Will Need to Be Purchased or Constructed by Remaining Eligible Telecommunications Carriers

To the best of Crocker's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to serve consumers within the ETC Service Area. Charter is currently building out broadband in the Service Area. Because the remaining ETCs currently serve the entire area in which Crocker is designated as an ETC in Massachusetts, the Department need not provide notice to these carriers to permit them to purchase or construct facilities to ensure that Crocker's customers will continue to receive service.

Through this notice, Crocker has complied with all requirements of 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205. There is no barrier to prevent Crocker from relinquishing its ETC designation in Massachusetts. Therefore, the Department should accept Crocker's notice of relinquishment.

B. Crocker's Relinquishment of ETC Designation Complies with Department Requirements


As described above, the requirements of the Department for the relinquishment of ETC status has been satisfied by Crocker. Specifically, (1) there is currently more than one ETC service the ETC Service Area; (2) Crocker is providing advance notice to the Department of such relinquishment; (3) Crocker will continue providing service to its customers, and additionally, the remaining ETCs in the market are able to serve the universal service needs of consumers within their respective designated service area, which cover the ETC Service Area; and (4) no additional facilities will need to be purchased or constructed by the remaining ETCs.

III. CONCLUSION

Consistent with all applicable requirements, Crocker respectfully requests the Department expeditiously accept Crocker's notice of relinquishment of its ETC designation in Massachusetts. Crocker has demonstrated that it meets all requirements for relinquishment of its ETC designation.

Respectfully submitted,

Crocker Communications, Inc.

By: 
Deborah A. Basile
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Matthew Crocker
Crocker Communications, Inc.
P.O. Box 710
Greenfield, MA 01301
Tel: 413-733-1988
Fax: 800-413-5463
Eligible Telecommunications Carrier

August 27, 2019

EXHIBIT A

**Town of Sandisfield
Board of Selectmen
P.O. Box 90
Sandisfield, MA 01255
413-258-4711 ext. 2
townclerk@sandisfieldma.gov**

May 14, 2019

Matt Crocker
Crocker Communications

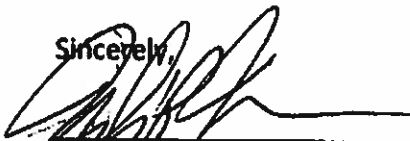
Dear Matt:

As you may be aware Charter Communications has also put an offer on the table for broadband service for the Town of Sandisfield. Due to all the options offered to the town in this offer, the Select board has decided to proceed with Charter's offer.

With that being said, the Select board and the residents of the Town of Sandisfield would like to thank you and your firm for all the time and effort you have put in to help the town achieve it's goal of high speed internet service available to the town.

Once again, thank you

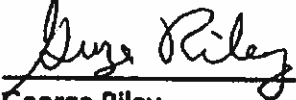
Sincerely,



Mark Newman



Brian O'Rourke



George Riley

Town of Sandisfield Select Board

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE


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| Designation Pursuant to 47 U.S.C. §214(e)(4) |) | |
| _____ |) | |

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing on all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) (Department's Rules of Practice and Procedure).

CROCKER COMMUNICATIONS, INC.

By its Attorney:



Deborah A. Basile, Esq.
Doherty, Wallace, Pillsbury & Murphy, P.C.
One Monarch Place, Suite 1900
1414 Main Street
Springfield, MA 01144

August 27, 2019