

VPS Consulting Memo

Bureau Establishes an Eligible Locations Adjustment Process (ELAP)

Summary

Overview

On November 12, 2019, the Wireline Competition Bureau (WCB) released an order creating a voluntary process to review the defined deployment obligations (locations and associated support) on a state-by-state basis when the total number of actual locations in the eligible areas is less than the number of funded locations, referred to as the Eligible Locations Adjustment Process (ELAP).¹

Background

In the CAF Phase II Auction Reconsideration order, the Federal Communications Commission (FCC) created a process to facilitate appropriate adjustments to the defined deployment obligations of CAF Phase II auction support recipients (with associated support reductions), on a state-by-state basis, where the actual number of eligible locations is less than the number of funded locations.²

Challenge Process Overview

Participant Submission

Participants will have at least 3 months to submit a new on-time collection of information once the WCB releases the Public Notice announcing the HUBB module is ready to accept the required information.³ This will include information about all eligible locations within the state along with evidence substantiating the completeness and accuracy of the information.⁴ Participants in the ELAP must also certify the accuracy of the submission under penalty of perjury which must be signed by an officer of the company.⁵

¹ WC Docket No. 10-90 Para. 1

² WC Docket No. 10-90 Para. 2

³ WC Docket No. 10-90 Para. 8

⁴ WC Docket No. 10-90 Para. 6

⁵ WC Docket No. 10-90 Para. 6

Prima Facie Determination

Within 60 days following the submission by the ELAP participants, the WCB will release a list of participants that have met the evidentiary standards for location modifications, along with specific location information such as:

- State
- Study Area Code
- Addresses
- Geocoordinates
- Number of Units

This information will be used to create a publicly available map (ELAP Map) that outside parties (Stakeholders) may decide whether to challenge.⁶

Stakeholder Challenge

Eligible stakeholders will have 90 days from the release of the location information to review and challenge the ELAP participants' evidence.⁷ The stakeholder challenge information will be used to update the ELAP Map.⁸

Participant Reply

Challenged participants will have 30 days from the stakeholder submission deadline to:⁹

- Access and review the data submitted by stakeholder(s)
- Submit additional data to oppose the stakeholder challenge and again certify the data submitted

Location Adjudication

The WCB will adjust the defined deployment obligations based upon the preponderance of evidence standard.¹⁰

Support Adjustment

Where the WCB determines that modification of the number of the funded locations is warranted, it will reduce the authorized support on a pro rata basis.¹¹

Additional Information

For additional information on this issue or if you would like VPS guidance, please contact these members of the Vantage Point Solutions consulting team:

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⁶ WC Docket No. 10-90 Para. 10

⁷ WC Docket No. 10-90 Para. 11

⁸ WC Docket No. 10-90 Para. 12

⁹ WC Docket No. 10-90 Para. 13

¹⁰ WC Docket No. 10-90 Para. 15

¹¹ WC Docket No. 10-90 Para. 17