



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)	
)	DOCOMO DOCKET 24-01
)	
DOCOMO PACIFIC, INC.)	ALJ REPORT
USAC CERTIFICATION)	
)	
)	
)	

BACKGROUND

On November 29, 2010, the PUC granted Guam Telecom LLC.’s [“GT”] Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) throughout the Territory of Guam.¹ In accord with such Order, GT’s annual designation as an ETC was subject to the provision of annual certifications and data submissions to the PUC.

On March 31, 2016, the PUC transferred Guam Telecom’s ETC Designation and its Certificates of Authority to Docomo Pacific Inc.²

It is now Docomo Pacific’s obligation to file its annual USAC Certification for study area code 669005. On August 9, 2024, Docomo Pacific, Inc. [“Docomo”] petitioned the Guam Public Utilities Commission (“PUC”) to issue a certification that Docomo will use federal universal service support funds for purposes in compliance with Section 254(e) of the Telecommunications Act.³ Docomo seeks a finding by the PUC that Docomo will comply with §254(e), which states that universal service funds (“USF”), may be used only for the purposes designated in the Federal Act. Based upon such a finding by the PUC, Docomo will be eligible to receive support pursuant to 47 C.F.R. §§54.301, 54.305, and/or 54.307, in the first, second, third and fourth quarters of the upcoming year.⁴

REQUIREMENTS AND COMPLIANCE THEREWITH

1. The requirements for an eligible telecommunications carrier to qualify for the receipt of universal service support funds are set forth in 47 C.F.R. Part 54.⁵

¹ PUC Order Approving Designation, GT Docket 10-01, issued November 29, 2010.

² PUC Order, Joint Application of Guam Telecom, LLC and Docomo Pacific, Inc. for Approval of the Transfer of Guam Telecom, LLC’s Certificates of Authority to Docomo Pacific, Docomo Docket 16-01, at p. 11[“...the assignment and transfer of GT’s ETC designation to Docomo Pacific is approved.”]

³ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, 2024.

⁴ Id. at p. 2.

⁵ 47 C.F.R. Part 54, Universal Service.

- (a) A carrier that receives federal universal service support must use that support only for the provision, maintenance and upgrading of facilities and services for which the support is intended.⁶ Attached as Exhibit A to Docomo's Petition is the certification and declaration by Christine Baletto, the Chief Executive Officer of Docomo Pacific Inc., that Docomo will use federal high-cost support funds only for the provisioning, maintenance and upgrading of facilities and services for which the support is intended, consistent with §254(e) of the Communications Act. This certification is for study area 669005.⁷
- (b) Pursuant to 47 C.F.R. §54.101(a), an eligible telecommunications carrier must offer each of the designated services in order to receive federal universal service support.⁸ In particular, an ETC is required to provide the following services in order to be supported by Federal Universal Service Support mechanisms:
- (1) Voice grade access to the public switched network;
 - (2) Local Usage;
 - (3) Dual tone multi-frequency or its functional equivalent;
 - (4) Single-party service or its functional equivalent;
 - (5) Access to emergency services (such as 911 and enhanced 911);
 - (6) Access to operator services;
 - (7) Access to interexchange service;
 - (8) Access to directory assistance; and

⁶ 47 C.F.R. §54.7.

⁷ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, Exhibit A [Declaration of Christine Baletto], at p. 6 (the page number references in this ALJ Report are to the actual sequential number of pages contained in the Petition, but not necessarily to the page numbering in the Petition).

⁸ 47 C.F.R. §54.101(a).

(9) Toll limitation for qualifying low-income consumers.⁹

2. Docomo has certified that it complies with its ETC Designation Order Requirements as set forth in 47 C.F.R. §54.101(a).¹⁰
- (a) Local Usage. Docomo certifies that it currently provides throughout Guam all the services and functionality supported by the federal universal service program enumerated in 47 C.F.R. §54.101(a).¹¹
- (b) E911 Service. Docomo has certified that it currently provides its subscribers with 911 and enhanced 911 through arrangements with the incumbent local exchange carrier, GTA, which has the sole connection to the government of Guam's PSAP in the service area.¹²
- (c) Certification of Service. Docomo has provided a certification that it offers all the services designated by the FCC for support pursuant to §254(c) of the Federal Act either using its own facilities or a combination of its own facilities and resale. It further certifies that it advertises the availability of supported services through general television advertisements and on radio stations and will continue to expand such advertising. DPAC filed Tariff Transmittal No. 3 on February 28, 2011, to include Lifeline Assistance Service and Operator Assisted Services to its General Exchange Tariff No. 1.¹³
- (d) Notification of Inability to Provide Service to a Requesting Customer. An ETC such as Docomo is required to report "the number of requests for service from potential customers within the eligible telecommunication carrier's service areas that were unfulfilled during the past year."¹⁴ Docomo certifies that, for the period of January 1, 2023, to December 31,

⁹ Id.

¹⁰ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, 2024, at pgs. 2-4.

¹¹ Id. at p. 3

¹² Id.

¹³ Id.

¹⁴ 47 C.F.R. §54.209(a)(3).

2023, it had no unfulfilled requests for voice service interconnected with the public phone network.¹⁵

- (e) Filing of a Detailed Build-Out Plan Satisfying the FCC's Requirements. Docomo is required to submit a five-year plan that describes with specificity proposed improvements or upgrades in its network.¹⁶ Docomo's Five Year Network Improvement Plan is set forth as Exhibit B to its Petition, filed under a claim of confidentiality with the PUC, on August 9, 2024.¹⁷ The Plan provides a description of the detailed improvements to its network structure over a five year period from 2024 through 2028.¹⁸ In 2024, Docomo continued to provide direct fiber to the Home (FTTH) island wide.¹⁹ Because of damage caused to DPAC's aerial fiber network by Super typhoon Mawar, DPAC has been building new FTTH nodes. 15 nodes have been completed as of the time of DPAC's Petition, and DPAC intends to have a total of 30 nodes converted to FTTH by the end of this year.²⁰ DPAC is negotiating with the Guam Power Authority to swap underground conduits and fiber in five major arteries across the island.²¹ In years 2025-2028, Docomo will continue to connect local residents' homes and local businesses with direct Fiber-to-the Home (FTTH).²² DPAC will create certain redundant loops in southern and northern Guam through the GPA fiber swap.²³ All of the above projects are funded in part by high-cost support.²⁴
- (f) Filing of Annual Certification under 47 C.F.R. §54.314(b). As required, Docomo has certified that all federal high-cost support provided to it in the Territory of Guam will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended. It will file with the PUC, by August 31 of each year, an annual

¹⁵ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, 2024, at pg. 3.

¹⁶ 47 C.F.R. §54.202(a)(1)(ii).

¹⁷ Confidential Submission of Exhibit B to Petition for Annual Certification from the Guam Public Utilities Commission [Docomo's Five Year Network Improvement Plan Progress Report], Docomo Docket 24-01, filed August 9, 2024, at pgs. 7-13.

¹⁸ Id.

¹⁹ Id. at p. 11.

²⁰ Id.

²¹ Id at pgs. 11-12.

²² Id. at pgs. 12-13.

²³ Id.

²⁴ Id. at pgs. 11-13.

certification verifying that high-cost support will only be used for those facilities and services for which the support is intended.²⁵

- (g) Required Documentation. In accordance with the FCC ETC Designation Order²⁶ and Order Approving ETC Designation for GT²⁷, Docomo is required to file certain documentation to maintain its ETC Designation Status and to obtain an Order from the PUC approving its annual USAC Certification.
- (1) Five Year Network Plan. As outlined above, Docomo has demonstrated substantial progress in meeting its 5-year network improvement plan.²⁸ Once it receives the universal support funds anticipated, it will more likely be able to achieve its goals in the plan.
- (2) Information on any outages. For the period of January 1, 2023, to December 31, 2023, Docomo experienced one cyber security incident on March 17, 2023, that caused outages on its fixed network for several days and a partial network outage due to Super Typhoon Mawar. Restoration was completed on October 30, 2023.²⁹
- (3) Unfulfilled Requests for Service. For the period of January 1, 2023 to December 31, 2023, Docomo did not have any unfulfilled requests for service from potential customers within Docomo's service area.³⁰
- (4) Complaints per 1,000 lines. For the period of January 1, 2023, to December 31, 2023, Docomo is not aware of any complaints filed with the PUC or any other regulatory body.³¹
- (5) Service Quality Standards and Consumer Protection Rules. Docomo

²⁵ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, 2024, at p. 3.

²⁶ *In the Matter of Federal – State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, FCC 05-46(Released March 17, 2005).*

²⁷ PUC Order Approving Designation, GT Docket 10-02, filed November 29, 2010.

²⁸ Docomo Pacific Inc. Petition for Annual Certification from the Guam Public Utilities Commission Re: Universal Service Funds (47 C.F.R. §54.314), Docomo Docket 24-01, filed August 9, 2024, at pgs. 3-4; see also Exhibit B filed on August 9, 2024.

²⁹ *Id.* at p. 4.

³⁰ *Id.*

³¹ *Id.*

certifies that it is complying with applicable service quality standards and consumer protection rules.³²

- (6) Ability to Function in Emergency Situations. Docomo certifies that it is able to function in emergency situations.³³ It currently deploys battery backup units to its network nodes in addition to co-locating network hub equipment in commercial buildings that have back up power generators in case of power outages.³⁴
- (7) Certification of Local Usage Plan. Docomo includes unlimited local usage in its service rate plans and certifies that it is offering a local usage plan comparable to that offered by the incumbent local exchange carrier, GTA TeleGuam.³⁵
- (8) Equal Access Certification. Docomo acknowledges and certifies that the PUC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access in the service area.³⁶

RECOMMENDATION

Docomo indicates that, during the calendar year 2023, it received \$270,412.00 from USAC's (frozen) High-Cost support program.³⁷ Specifically, support was received from the Interstate Common Line Support program.³⁸ Based upon the Petition and supporting exhibits submitted by Docomo, it appears that the USF received in calendar year 2023 has been used as intended. It is the Administrative Law Judge's opinion that there is a sufficient factual and evidentiary basis upon which the Commission can reasonably certify that the USF distributed to Docomo in calendar year 2025 will be used in accord with the purposes and requirements stated in the Federal Act and Code of Federal Regulations. The Administrative Law Judge recommends that Docomo's request for USAC certification be GRANTED.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Confidential Submission of Exhibit B to Petition for Annual Certification from the Guam Public Utilities Commission [Docomo's Five Year Network Improvement Plan Progress Report], Docomo Docket 24-01, filed August 9, 2024, at p. 11.

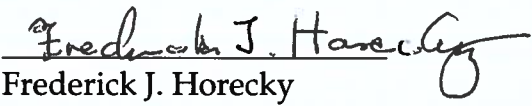
³⁸ Id.

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Docomo Docket 24-01
August 20, 2024

The Administrative Law Judge has not become aware of any contrary evidence which would contradict any of the above certifications by Docomo. The ALJ believes that Docomo has satisfied all the requirements set forth in the Code of Federal Regulations, the Docomo ETC Designation Order, and the FCC's requirements. There is no basis upon which it would be expected that Docomo would use USF support for other than the intended purposes.

Therefore, the Administrative Law Judge recommends approval of Docomo's request for USAC certification.

Dated this 20th day of August 2024.


Frederick J. Horecky
Administrative Law Judge