



July 6, 2023

**VIA ELECTRONIC FILING**

Mr. Adam Teitzman  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Docket No. 20230076-TP, “2024 State certification under 47 C.F.R. §54.313 and §54.314, annual reporting requirements for high-cost recipients and certification of support for eligible telecommunications carrier.”

Dear Mr. Teitzman:

In accordance with 47 CFR § 54.313, enclosed for filing is Smart City’s affidavit that attests that the company will only use the federal high-cost support it receives for the purposes outlined in the statute.

Smart City requests that the Florida Public Service Commission file the annual certifications regarding federal high-cost support with the FCC and Universal Service Administrative Company (“USAC”) pursuant to 47 CFR § 54.314.

You may contact me if there are questions regarding this filing.

Sincerely,

A handwritten signature in blue ink that reads 'Malcolm N. Means'.

Malcolm N. Means

Enclosure

cc: Jorge Barrio, Smart City  
Shelby Nave (w/encl.)  
Eric Wooten (w/encl.)  
Mark Long (w/encl.)

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**AFFIDAVIT**

BEFORE ME, the undersigned authority appeared **Martin A. Rubin**, who deposed and said:

1. My name is Martin A. Rubin. I am employed by Smart City Telecommunications LLC d/b/a Smart City Telecom (“Smart City Telecom” or the “Company”) as its President & CEO. I am an officer of the Company and am authorized to give this affidavit on behalf of the Company. This affidavit is being given to support the Florida Public Service Commission’s certification as contemplated in 47 C.F.R. §54.313 and §54.314.

2. Smart City Telecom hereby certifies that all federal high-cost and CAF support (“USF”) was used in the preceding year and will be used in the upcoming year only for the provision, maintenance, and upgrading of facilities and services for which such support is intended.

Smart City Telecom hereby certifies that it has submitted via annual NECA filings, the supporting documentation on network improvements and expenditures in support of its universal service filing and refers to this in lieu of formal network plans.

On March 30, 2016, the Federal Communications Commission (“FCC”) released “Report and Order and Order on Reconsideration and Further Notice of Proposed Rulemaking” (FCC 16-33) (“Reform Order”) which modernizes and reforms the federal universal service program supporting the nation’s rate-of-return (“ROR”) carriers. With the release of the Reform Order, ROR carriers were given the option to voluntarily elect to use a cost-based model for support known as the “Alternative Connect America Model” or “A-CAM.” Carriers that did not choose A-CAM support remain on a modified version of ROR regulation.

On August 3, 2016, the FCC released a Public Notice (DA 16-869) in which it announced the offers of A-CAM support to ROR carriers and specified a November 1, 2016 deadline for carriers to respond if they chose to elect this type of support. Pursuant to that offer, carriers that elected A-CAM support would receive model support for a ten-year period that was associated with specific build-out obligations and would no longer receive modified ROR. Prior to that deadline, Smart City Telecom made this election and, in a Public Notice released on December 20, 2016 (DA 16-1422), the FCC authorized Smart City Telecom to receive A-CAM support which it began receiving in January 2017. In December 2018, the FCC released “Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration” (FCC 18-176) in which the agency offered an additional two years of A-CAM support in return for buildout commitments at higher speeds. On March 27, 2019, Smart City Telecom accepted this revised offer.

When Smart City Telecom made its initial election of A-CAM support in 2016, the Company’s A-CAM support was less than its 2015 legacy support. This placed the Company on a “glidepath” from legacy to A-CAM support in which it will receive a lesser amount of “frozen” legacy support each year over a nine-year period in a “stepped down” approach in addition to receiving the model support. In years ten, eleven, and twelve, the Company receives only model support.

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Regarding buildout commitments for A-CAM, at the end of the twelve-year period, the Company must offer broadband speeds of at least 25/3 Mbps to 203 locations in census blocks that receive A-CAM funding. The Company also is required to provide broadband upon reasonable request to an additional 12 locations in the funded census blocks and meet buildout benchmarks, the first of which began on December 31, 2020. The benchmarks then continue each year until the final milestone which must be reached by December 31, 2028.

On June 16, 2023, the FCC issued a News Release announcing that a draft order is being considered by the FCC that, if adopted, would “require that [A-CAM] carriers serve all locations in their service areas at 100/20 Mbps or greater in return for an extension of the A-CAM program and an incremental increase in support for expensive-to-serve areas.” (The News Release can be found at <https://docs.fcc.gov/public/attachments/DOC-394459A1.pdf>). Accordingly, depending upon what is finally adopted in this order, the buildout obligations and timetable explained above may change.

In addition to A-CAM or legacy support, all ROR carriers receive CAF-ICC Support. CAF-ICC was established in the 2011 USF-ICC Transformation Order (FCC 11-161) and includes a recovery mechanism designed to partially offset revenues reduced as a result of the intercarrier compensation (“ICC”) rate transition which began in 2012 and ended in 2020. For ROR carriers, the recovery mechanism began with the calculation of Base Period Revenue (“BPR”). BPR is the sum of certain ICC intrastate switched access revenues and net reciprocal compensation revenues received by March 31, 2012, for services provided during FY 2011, and the projected revenue requirement for interstate switched access services provided during the 2011-2012 tariff period. BPR is then reduced by 5% initially and by an additional 5% in each year of the transition until the support level reaches zero. The amount a ROR carrier is entitled to recover in each year of the transition, known as Eligible Recovery, is recoverable through an Access Recovery Charge (“ARC”) assessed on end-users, and, to the extent not recoverable through ARCs, through CAF-ICC support.

Accordingly, in 2016, Smart City Telecom received legacy support and CAF-ICC. Beginning in January 2017, the Company has received A-CAM support and will receive this support until December 31, 2028, as well as CAF-ICC. All of these programs are administered through the USAC. USAC, as a private, not-for-profit corporation, is responsible for providing every state and territory of the United States with access to affordable telecommunications services through the federal USF. USAC has contracted with NECA to assist in data collection necessary for the remittance of universal service funds. What this means is that each Company submits, no less frequently than annually, detailed information requested by NECA in the USF data collection process. Per NECA’s May 30, 2018 correspondence: “Current FCC rules state all rate-of-return carriers including A-CAM and Alaska Plan companies must provide the information in the High-Cost Loop Support data submissions. Data submitted must be accurate, comply with FCC rules, and be certified by the Company.

Rural ILECs must attest to the information submitted. The information provided in response to universal service fund mechanisms utilizes FCC accounts for regulated costs and must be in compliance with FCC rules in Parts 32, 36, 54, and 64. All studies submitted by rural ILECs for all USF funding submitted by rural ILECs must be based upon financial statements. In addition, an officer of the rural ILEC must certify the accuracy and validity of the filed information.

1. Smart City Telecom hereby certifies that it follows appropriate federal procedures for network outage reporting. For the period between March 1, 2022 and March 1, 2023, SCT did not have any Federal FCC reportable outages.

2. Smart City Telecom hereby certifies that it did fulfill all requests for service from potential customers.

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3. Smart City Telecom hereby certifies that for the period from March 1, 2022, and March 1, 2023, no Florida Public Service Commission or FCC complaints were received.

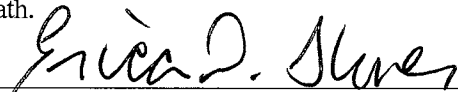
4. Smart City Telecom hereby certifies that it is able to function in emergency situations, offers a tariffed local usage plan, and provides equal access to long-distance carriers.

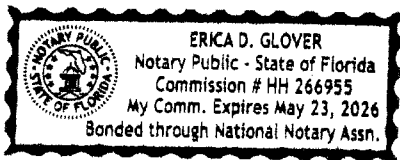
FURTHER AFFIANT SAYETH NOT.

  
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Martin A. Rubin  
President & CEO

STATE OF FLORIDA  
COUNTY OF ORANGE

Acknowledged before me this 27th day of June, 2023, by Martin A. Rubin, President & CEO of Smart City Telecommunications LLC d/b/a Smart City Telecom, who is personally known to me or produced identification and who did take an oath.

  
\_\_\_\_\_  
Erica Glover  
Notary Public – State of Florida



Personally Known   
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_