



PUBLIC NOTICE

Federal Communications Commission
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DA 14-1889

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**WIRELINE COMPETITION BUREAU ANNOUNCES AVAILABILITY OF ADDITIONAL
FUNDING FOR RURAL BROADBAND EXPERIMENTS;
SEEKS COMMENT ON WAIVER PETITIONS OF PROVISIONALLY SELECTED BIDDERS**

**WC Docket No. 10-90
WC Docket No. 14-259**

**Comment Date: January 6, 2015
Reply Comment Date: January 13, 2015**

On December 5, 2014, the Wireline Competition Bureau (Bureau) released a list of 37 entities provisionally selected as winning bidders for rural broadband experiments support.¹ As part of the process to be authorized to receive such Connect America Fund support, these entities were required to submit certain technical and financial information by Friday, December 19.² A number of entities have indicated they no longer wish to be considered for an award of funding in the experiments or failed to submit the required information by the deadline, and therefore have defaulted on their bids. In addition, some entities have sought a waiver of the requirement to submit three years of audited financial statements and provided alternative evidence in an attempt to demonstrate their financial qualifications to receive rural broadband experiments support. Today, the Bureau announces which provisionally selected bidders have defaulted on projects and seeks comment on the petitions for waiver filed by 15 provisionally selected bidders.

Attachment A lists the projects that will no longer be considered for rural broadband experiments support. These projects will not receive support because the provisionally selected bidders either withdrew from consideration for rural broadband experiments funding or did not submit the required information by the Friday, December 19 deadline. As a result, \$651,832.15 of support in category one and \$64,600 in category two is now available for next-in-line bidders.³

¹ See *Wireline Competition Bureau Announces Entities Provisionally Selected for Rural Broadband Experiments; Sets Deadlines for Submission of Additional Information*, WC Docket No. 10-90, Public Notice, DA 14-1772 (Wireline Comp. Bur. rel. Dec. 5, 2014).

² See *id.*

³ The Commission recently established a process to enable the provisional selection of next-in-line bidders for rural broadband experiments support. See *Connect America Fund; ETC Annual Reports and Certifications; Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Obsolete ILEC Regulatory Obligations that Inhibit Deployment of Next-Generation Networks*, WC Docket Nos. 10-90, 14-58, 14-192, Report and Order, FCC 14-190, para. 83 (rel. Dec. 18, 2014). See also *Wireline Competition Bureau Announces Deadline for Bidders Interested in Remaining Under Consideration for Rural Broadband Experiments Support to File Additional Information*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 14-1839 (Wireline Comp. Bur. rel. Dec. 18, 2014).

Additionally, the Bureau seeks comment on the petitions filed by certain provisionally selected bidders for waiver of the audited financial statement requirement. All bidders were required to provide the most recent three consecutive years of audited financial statements, including balance sheets, net income, and cash flow.⁴ This information would enable the Bureau to undertake a thorough review to determine the ability of the provisionally selected bidders to satisfy the service obligations for their selected projects. Attachment B lists the provisionally selected bidders that filed petitions for waiver of this requirement because either they are newly formed entities or are smaller entities that do not have audited financial statements. The entities have attempted to demonstrate their financial capability to undertake these projects with alternative financial information. We seek comment on whether these petitioners have met the standard for grant of a waiver of the audited financial statement requirement.⁵ In particular, have they submitted sufficient alternative information to establish they are financially capable of fulfilling their rural broadband experiment obligations?

In order to develop a complete record on the issues presented in the waiver petitions, the waiver requests will be treated, for *ex parte* purposes, as “permit-but-disclose” in accordance with section 1.1200(a) of the Commission’s rules, subject to the requirements under section 1.1206(b). Pursuant to section 1.419 of the Commission’s rules,⁶ **interested parties may file comments by Tuesday, January 6, 2015, and reply comments by Tuesday, January 13, 2015.** Comments may be filed by paper or by using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties that choose to file by paper must file an original and one copy of each filing. Because more than one docket number appears in the caption of this proceeding, filers must submit two additional copies for the additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings to Ian Forbes, Telecommunications Access Policy Division,

⁴ See *Rural Broadband Experiments Order*, 29 FCC Rcd at 8787-88, para. 54.

⁵ 47 C.F.R. § 1.3.

⁶ 47 C.F.R. § 1.419.

Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B438, Washington D.C. 20554, or by e-mail to Ian.Forbes@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. Furthermore, the documents may be viewed in and downloaded from ECFS.

For additional information on this proceeding, contact Ian Forbes (Ian.Forbes@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

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ATTACHMENT A
Projects Defaulted on by Rural Broadband Experiments Provisionally Selected Bidders

Bidder Name	Category	State	Support Requested for Projects	Project IDs
Broad Valley Micro Fiber Networks Inc.	1	DE	\$110,000.00	1
Liberty Cablevision of Puerto Rico, LLC	1	PR	\$41,831.15	3, 15
NCRESA	1	MI	\$500,000.00	1
Terastream Broadband (USA) Inc.	1	NM	\$1	1
CloudWyzze Inc.	2	NC	\$23,000.00	1
Meriwether Lewis Electric Cooperative, Inc.	2	TN	\$41,600.00	3

ATTACHMENT B
Provisionally Selected Bidders That Filed Petitions for Waiver (WC Docket No. 10-90)

Bidder Name	Category	State	Support Requested for Projects	Project IDs
Aimorth Communications, Inc.	1/2	MI	\$2,410,400.00	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
Brainstorm Internet Inc.	1	CO	\$1,737,648.00	3
Cricelli, Inc.	1	CA	\$522,300.00	1, 2, 3
Donnell, Michael D. (d/b/a San Joaquin Broadband)	1	CA	\$14,833,187.00	1, 3, 4, 5
Rural Broadband Services Corporation, Inc.	1	OK	\$17,500,648.00	1
Tower Communications LLC	1	AR	\$3,191,090.40	1
Agile Network Builders, LLC	2	OH	\$3,224,400.00	3
Chaffee County Telecom, LLC	2	CO	\$2,586,882.00	3, 4
Crystal Broadband Networks, Inc.	2	KY	\$427,361.00	1
Declaration Networks Group	2	VA	\$1,246,052.00	1, 2, 3
Giant Communications, Inc.	2	KS	\$650,000.00	1
De Novo Group	3	CA	\$609,600.00	108, 109
Last Mile Broadband	3	MD	\$260,000.00	3, 4
Mercury Wireless Inc.	3	KS	\$250,000.00	2
Worldcall Interconnect, Inc.	3	TX	\$850,000.00	9