



PUBLIC NOTICE

Federal Communications Commission
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DA 15-158

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON NTCA'S EMERGENCY PETITION FOR LIMITED WAIVER OF RURAL BROADBAND EXPERIMENT LETTER OF CREDIT BANK ELIGIBILITY REQUIREMENTS; ALSO SEEKS COMMENT MORE GENERALLY ON BANK ELIGIBILITY REQUIREMENTS FOR CONNECT AMERICA PHASE II COMPETITIVE BIDDING PROCESS

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

Dates for Pleadings Addressing NTCA's Petition in the Context of the Rural Broadband Experiments:

**Oppositions Due: February 13, 2015
Replies Due: February 23, 2015**

Dates for Comments Addressing Letter of Credit Bank Eligibility Requirements for the Phase II Competitive Bidding Process:

**Comments Due: 30 days after publication in Federal Register
Replies Due: 45 days after publication in Federal Register**

On February 3, 2015, NTCA—The Rural Broadband Association (NTCA) filed an emergency petition for limited waiver of the letter of credit (LOC) bank eligibility requirements applicable to the rural broadband experiments.¹ Pursuant to section 1.45 of the Commission's rules, oppositions are due ten (10) days after the petition for waiver is filed, and replies are due five (5) days later.² **Therefore, interested parties may file oppositions by Friday, February 13, 2015, and replies by Monday, February 23, 2015.**

¹ Emergency Petition of NTCA—The Rural Broadband Association for Limited Waiver of Rural Broadband Experiment Letter of Credit Requirement, WC Docket Nos. 10-90, 14-58, 14-259 (filed Feb. 3, 2015). Entities provisionally selected as winning bidders for the rural broadband experiments are required to obtain an irrevocable stand-by original LOC from an acceptable bank. *Connect America Fund, ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8787-93, paras. 54-71 (2014) (*Rural Broadband Experiments Order*).

² 47 C.F.R. § 1.45.

Provisionally selected winning bidders were required, by Tuesday, February 3, 2015, to submit to the Commission, through Form 5620, a letter from an acceptable bank committing to issue a LOC in the amount of the first year of distributed support.³

We note that NTCA's petition raises issues that may be relevant to broader pending questions regarding possible LOC requirements for recipients of funding awarded through the Phase II competitive bidding process.⁴ The National Rural Utilities Cooperative Finance Corporation and its affiliate, the Rural Telephone Finance Cooperative, also filed a petition for waiver of one aspect of the Commission's LOC bank eligibility requirements that has potential relevance to the Phase II competitive bidding process.⁵ Thus, during the separate comment period established above, we encourage parties to comment more generally on both petitions' proposals regarding LOC bank eligibility requirements and their potential applicability to the Phase II competitive bidding process.⁶

In order to develop a complete record on the issues presented in the waiver petition, the waiver request and the request for more general comment 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).⁷ 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.

³ 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, 29 FCC Rcd 14684, Attach. B (Wireline Comp. Bur. 2014); *Rural Broadband Experiments Order*, 29 FCC Rcd at 8791, para. 62 ("When a winning bidder first obtains a LOC, it must be equal to the amount of the first disbursement.").

⁴ The Commission previously sought comment on requiring Connect America recipients to obtain LOCs as a condition of receiving support from the Fund. *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 26 FCC Rcd 17663, 18066-67, paras. 1103-16 (2011), *aff'd*, 753 F.3d 1015 (10th Cir. 2014).

⁵ National Rural Utilities Cooperative Finance Corporation and Rural Telephone Finance Cooperative Petition for Waiver, WC Docket Nos. 10-90, 14-58 (filed Jan. 21, 2015). Oppositions to this petition for waiver were due February 2, 2015 and replies are due February 9, 2015. *Wireline Competition Bureau Seeks Comment on the National Rural Utilities Cooperative Finance Corporation and the Rural Telephone Finance Cooperative's Petition for Waiver of the Rural Broadband Experiments Letter of Credit Bank Eligibility Requirements*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-106 (Wireline Comp. Bur. rel. Jan. 23, 2015).

⁶ The Bureau previously provided parties the opportunity to comment generally on proposals raised in the Alliance of Rural Broadband Applicants' petition for limited waiver of certain LOC requirements and their applicability to the Phase II competitive bidding process. *Wireline Competition Bureau Seeks Comment on the Alliance of Rural Broadband Applicants' Petition for Limited Waiver of Certain Rural Broadband Experiment Letter of Credit Requirements; Also Seeks Comment More Generally on Letter of Credit Proposals for Connect America Phase II Competitive Bidding Process*, WC Docket Nos. 10-90, 14-259, Public Notice, DA 15-140 (Wireline Comp. Bur. rel. Jan. 30, 2015); Alliance of Rural Broadband Applicants Petition for Waiver, WC Docket Nos. 10-90, 14-58 (filed Jan. 27, 2015).

⁷ 47 C.F.R. §§ 1.1200(a), 1.1206(b).

- 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 Heidi Lankau, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B511, Washington D.C. 20554, or by e-mail to Heidi.Lankau@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 Heidi Lankau (Heidi.Lankau@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

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