**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter of  Connect America Fund | **)**  **)**  **)**  **)** | WC Docket No. 10-90 |

ORDER

**Adopted: June 17, 2016 Released: June 17, 2016**

By the Deputy Chief, Wireline Competition Bureau:

1. The Wireline Competition Bureau (Bureau) hereby denies Bretton Woods Telephone Company, Inc.’s (BWTC) petition seeking to adjust total housing unit data to be utilized in calculating its operating expense limitation that the Commission recently adopted in the *Rate-of-Return Reform Order*.[[1]](#footnote-2) BWTC requests that the Bureau correct the total number of housing units in BWTC’s study area from 321 to 445.[[2]](#footnote-3) BWTC claims that in the 2010 census count for the Bretton Woods, New Hampshire area, the Census Bureau incorrectly omitted the dormitory living quarters (dorms) and the caretaker house at the Mt. Washington Hotel and the boarding house and six cabins at the Mt. Washington Cog Railway.[[3]](#footnote-4) For the reasons discussed below, we deny BWTC’s request.
2. The Commission concluded in the *Rate-of-Return Reform Order* to utilize housing units as determined by the U.S. Census Bureau as one of the variables that would be used to calculate whether a rate-of-return carrier’s operating expenses would be limited. The Census Bureau excludes dormitories from the definition of housing unit.[[4]](#footnote-5) Accordingly, the dorms and the boarding house, which is the equivalent of a dorm, are not housing units under the framework adopted by the Commission, and we will not add them as BWTC requests. BWTC fails to present any persuasive argument as to why the Bureau should alter the rule adopted by the Commission. With respect to the caretaker house and the six cabins, BWTC provides insufficient evidence to show that they are in fact housing units as opposed to transient hotel lodging or buildings for equipment storage.[[5]](#footnote-6) The photos submitted of the caretaker house and the cabins are by themselves insufficient to demonstrate that they are housing units.[[6]](#footnote-7)
3. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and section 0.291 of the Commission’s rules, 47 CFR § 0.291 the petition of BWTC is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Mattey

Deputy Chief

Wireline Competition Bureau

1. Letter from Karen Wante, Vice President for Bretton Woods Telephone Company, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed May 18, 2016); *see Connect America Fund* *et al.*, WC Docket No. 10-90 et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3124-26, paras. 95-104 (2016) (*Rate-of-Return Reform Order*). [↑](#footnote-ref-2)
2. Petition for Correctionat 1; *see* also *Rate-of-Return Reform Order*, 31 FCC Rcd at 3125, para. 99, n.205. A housing unit “is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are “those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.” *See* United States Census Bureau, Group Quarters and Housing Unit Estimates Terms and Definitions, https://www.census.gov/popest/about/terms/housing.html (last visited Jun 6, 2016). [↑](#footnote-ref-3)
3. Petition for Correctionat 2. [↑](#footnote-ref-4)
4. United States Census Bureau, Housing Vacancies and Homeownership (CPS/HVS), http://www.census.gov/housing/hvs/data/ann13def.html (last visited Jun. 6, 2016) (CP/HVS) (“Living quarters of the following types are excluded from the housing unit inventory: Dormitories . . .”). The Census Bureau considers dormitories to be “group quarters.” A group quarters “is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents.” *See* 2010 American Community Survey/Puerto Rico Community Survey Group Quarters Definitions, at 1, *available at* https://www2.census.gov/programs-surveys/acs/tech\_docs/group\_definitions/2010GQ\_Definitions.pdf. Group quarters explicitly “include such places as . . . workers’ dormitories.” *Id.* [↑](#footnote-ref-5)
5. *See* CP/HVS (“quarters in predominantly transient hotels, motels, and the like, except those occupied by persons who consider the hotel their usual place of residence” are not considered housing units). [↑](#footnote-ref-6)
6. *See* Petition for Correction at Attach. (showing photos of the caretaker house and the six cabins). [↑](#footnote-ref-7)