

Before the
Federal Communications Commission
Washington, D.C. 20554

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. BWTC requests that the Bureau correct the total number of housing units in BWTC's study area from 321 to 445. 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. 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. 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

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).

2 Petition for Correction at 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).

3 Petition for Correction at 2.

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.

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.<sup>5</sup> The photos submitted of the caretaker house and the cabins are by themselves insufficient to demonstrate that they are housing units.<sup>6</sup>

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. Matthey  
Deputy Chief  
Wireline Competition Bureau

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<sup>5</sup> 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).

<sup>6</sup> See Petition for Correction at Attach. (showing photos of the caretaker house and the six cabins).