

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

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

ORDER

Adopted: September 6, 2017

Released: September 6, 2017

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau), on its own motion, grants a brief, limited waiver of the filing deadline for states, or eligible telecommunication carriers (ETCs) not subject to the jurisdiction of a state, to certify to the proper use of federal high-cost universal service support under section 54.314(d) of the Commission's rules.¹ Under the limited waiver granted herein, states or ETCs must file the section 54.314 certification with USAC by November 17, 2017.

2. Under section 54.314 of the Commission's rules, a state must certify annually that high-cost support given to ETCs within that state has been used and will be used only for the purpose for which support was intended; the certification is due on October 1.² States rely in part on review of the information filed annually by ETCs in developing their section 54.314 certifications.³ In 2014, the Commission adopted a rule requiring price cap carriers that accepted Connect America Phase II model-based support to report annually the latitude and longitude of locations to which they deployed qualified voice and broadband in the prior calendar year.⁴ Phase II model-based support recipients first reported this geospatial information in their 2016 FCC Form 481s filed with the FCC, the Universal Administrative Company (USAC), and state commissions and Tribal governments. Subsequently, the Commission extended that reporting requirement to all ETCs with fixed broadband deployment obligations and established a reporting deadline of March 1 each year for locations deployed in the prior calendar year.⁵ The Commission also directed USAC to develop an online portal by which ETCs could report the geospatial information.⁶ Working with WCB staff, USAC developed the High Cost Universal Broadband (HUBB) portal.

¹ 47 CFR § 54.314(d).

² 47 CFR § 54.314(a). ETCs not subject to the jurisdiction of the state must file the same certification. 47 CFR § 54.314(b). *See also* 47 U.S.C. § 254(e).

³ *See Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17861, para. 612 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁴ *Connect America Fund et al.*, Report and Order, 29 FCC Rcd 15644, 15688, para. 125 (2014) (*December 2014 Connect America Order*).

⁵ 47 CFR § 54.316; *see also Connect America Fund et al.*, Report and Order et al., 31 FCC Rcd 3087, 3167, paras. 217, 219 (*Rate-of-Return Reform Order*). In February 2017, the WCB waived the March 1, 2017 filing deadline – extending until July 3, 2017 the deadline for Phase II recipients, and until March 1, 2018 for rate-of-return carriers. *Connect America Fund*, WC Docket No. 10-90, 32 FCC Rcd 1445 (WCB 2017).

⁶ *Rate-of-Return Reform Order*, 31 FCC Rcd at 3166, para. 214.

3. The Bureau, on its own motion, grants a limited waiver of the October 1 deadline. Generally, the Commission's rules may be waived for good cause shown.⁷ Waiver of section 54.314(d)(1) is justified by the special circumstances that states only recently were able to access through the HUBB portal the Phase II geospatial information reported to USAC on July 3, 2017. A limited waiver will serve the public interest by allowing states sufficient time to review the data before submitting their required certifications. Although the information states did not have access to is limited to Phase II model-based support recipients, we find that a single filing deadline will reduce the administrative burden on the Administrator, USAC, and lessen potential confusion that might arise from a staggered deadline.

4. Accordingly, IT IS ORDERED that, pursuant to sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, section 54.314(d)(1) of the Commission's rules, 47 CFR § 54.314(d)(1), IS WAIVED to the extent described above.

5. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Sue McNeil
Associate Chief
Wireline Competition Bureau

⁷ 47 CFR § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of a filing deadline in the Commission's rules is appropriate when (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166.