

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

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

ORDER

Adopted: June 6, 2018

Released: June 6, 2018

By the 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 the annual eligible telecommunications carrier (ETC) reporting requirements under section 54.313(j) of the Commission’s rules.¹ Specifically, the Bureau will allow ETCs until July 16, 2018 to file the FCC Form 481 annual reports.² Affected carriers, however, must continue to report their rates pursuant to section 54.313(h) of the Commission’s rules on July 2, 2018.³

2. In the *USF/ICC Transformation Order*, the Commission adopted several reforms updating annual reporting requirements for ETCs.⁴ The Commission has continued to periodically revise these requirements. Most recently, in the *ETC Reporting Streamlining Order*, the Commission eliminated duplicative reporting requirements and requirements that are no longer necessary,⁵ including the requirement that ETCs receiving high-cost support file duplicate copies of FCC Form 481 with the Commission, states, U.S. Territories, and/or Tribal governments.⁶ In the *Alaska Plan Order*, the Commission adopted new and modified reporting requirements specific to participating ETCs in Alaska.⁷ Finally, the Commission adopted a requirement in the *Rate-of-Return Reform Order* that certain ETCs

¹ 47 CFR § 54.313(j). See 47 CFR § 1.3 (Commission may waive its rules on its own motion).

² Section 54.313(j) of the Commission’s rules requires that ETCs file the annual reporting information by July 1 each year. 47 CFR § 54.313(j). Because that date falls on a Sunday this year, absent a waiver, ETCs must file the information by July 2, 2018. See 47 CFR § 1.4(j).

³ 47 CFR § 54.313(h).

⁴ See *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order and FNPRM*), *aff’d sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁵ See generally *Connect America Fund; ETC Annual Reports and Certifications*, Report and Order, 32 FCC Rcd 5944 (2017) (*ETC Reporting Streamlining Order*).

⁶ See *ETC Reporting Streamlining Order*, 32 FCC Rcd at 5948-49, paras. 15-16. ETCs receiving high-cost support are no longer required to file duplicate copies of the FCC Form 481 with the Commission or states and Tribal governments beginning in 2018, “contingent upon USAC’s completion of the rollout of an online portal for recipients of high cost services.” *Id.* at 5948, para. 15. The Universal Service Administrative Company (USAC) has completed the rollout of the online portal, so ETCs receiving high-cost support are now only required to file the FCC Form 481 with USAC.

⁷ See *Connect America Fund et al.*, Report and Order and Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10156-57, 10172-73, paras. 51-55, 101-02 (2016) (*Alaska Plan Order*).

receiving Connect America Fund-Broadband Loop Support report progress on broadband deployment during the prior calendar year as part of their annual reporting.⁸

3. The Bureau is currently seeking approval of the most recent modifications to this information collection, including the changes to section 54.313 and FCC Form 481, from the Office of Management and Budget (OMB), pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13.⁹

4. On our own motion, the Bureau grants a brief, limited waiver to all ETCs of the July 2 deadline under section 54.313(j) of the Commission's rules. Generally, the Commission's rules may be waived for good cause shown.¹⁰ Because OMB approval of the modified information collection remains pending, we find that special circumstances warrant grant of a limited waiver of the annual reporting requirements, to provide sufficient time for filers to submit the required information. We therefore grant a two-week extension of the section 54.313(j) filing deadline this year and require that ETCs submit and certify the FCC Form 481 to USAC by July 16, 2018.¹¹ USAC shall calculate any support reductions from this new filing deadline.¹²

5. This limited waiver does not extend to section 54.313(h), which requires all incumbent local exchange carrier recipients of high-cost support to report "all of their rates for residential local service for all portions of their service area, as well as state fees as defined pursuant to section 54.318(e), to the extent the sum of those rates and fees are below the rate floor as defined in section 54.318, and the number of lines for each rate specified."¹³ Affected ETCs filed such rates last year on the Rate Floor Form and should do so again by July 2, 2018.¹⁴ Because OMB approval for collecting this rate

⁸ See *Connect America Fund et al.*, Report and Order, Notice of Proposed Rulemaking, Order, and Order on Reconsideration, 31 FCC Rcd 3087, 3152, para. 173 (2016) (*Rate-of-Return Reform Order*).

⁹ Federal Communications Commission, Information Collection Being Submitted for Review and Approval to the Office of Management and Budget, 83 Fed. Reg. 24800 (May 30, 2018). The prior approval for the existing information collection associated with the previous FCC Form 481 does not expire until May 31, 2020. See OMB Approval No. 3060-0986 (May 22, 2017).

¹⁰ 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.

¹¹ The two-week extension also applies to reporting requirements associated with FCC Form 481 that are not codified in section 54.313. See *Connect America Fund; ETC Annual Reports and Certifications*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8795, para. 78 (2014) (adopting certain annual reporting requirements for rural broadband experiment recipients); *Rate-of-Return Reform Order*, 31 FCC Rcd at 3152, para. 173 (requiring certain rate-of-return carriers to "report, as part of their annual Form 481 filing, progress on the number of locations where 10/1 Mbps or better broadband service have been deployed within their study area in the prior calendar year"). See also 47 CFR § 54.308(d) (requiring that mobile carriers receiving Alaska Plan support pursuant to section 54.317(e) certify, in their annual compliance filings, that their rates are reasonably comparable to rates for comparable offerings in urban areas).

¹² 47 CFR § 54.313(j)(1), (2).

¹³ 47 CFR § 54.313(h)(1); see also 47 CFR § 54.318(e).

¹⁴ The Rate Floor Form is available from USAC at <https://www.usac.org/hc/tools/forms.aspx>. Although a temporary freeze of the rate floor remains in effect, affected ETCs must still file the Rate Floor Form by July 2, 2018. See *Connect America Fund*, Notice of Proposed Rulemaking and Order, 32 FCC Rcd 4509, 4514, para. 14 (2017) (freezing the monthly rate floor unless or until the Commission takes further action in the proceeding).

information has not expired,¹⁵ and ETCs submit the Rate Floor Form separately from the FCC Form 481, we find that there is no reason to waive the July 2 deadline as it relates to compliance with section 54.313(h).

6. 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 54.313(j) of the Commission's rules, 47 CFR § 54.313(j), IS WAIVED to the extent described above.

7. 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

Kris Anne Monteith
Chief
Wireline Competition Bureau

¹⁵ The relevant information collection approved by OMB also includes the filing requirements associated with the FCC Form 481. *See supra* n.9. However, whereas the information to be submitted in the FCC Form 481 has changed for this year's filing, the reporting requirements for section 54.313(h) remain the same.