



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TWO PETITIONS FOR DESIGNATION AS ELIGIBLE TELECOMMUNICATIONS CARRIERS, SEPARATELY SUBMITTED BY OECONNECT, LLC AND HUGHES NETWORK SYSTEMS, LLC

WC Docket No. 09-197

Comments Due: June 29, 2018
Replies Due: July 9, 2018

The Wireline Competition Bureau seeks comment on two separate petitions for designation as an Eligible Telecommunications Carrier (ETC) for the purpose of being eligible to receive Connect America Fund (CAF) support, as awarded by New York's New NY Broadband Program for state and CAF support (New York Program).¹ One of these petitions has been filed by OEConnect, LLC (OEConnect)² and the other, by Hughes Network Systems, LLC (Hughes).³

OEConnect seeks designation as an ETC in all areas in the state of New York where its parent company, Otsego Electric Cooperative, was awarded CAF support through the New York Program. Pursuant to the New York Program, Otsego must serve 1,146 locations in 282 CAF-eligible census blocks.⁴

Hughes seeks designation as an ETC in all areas in the state of New York where it was awarded CAF support through the New York program. Pursuant to the New York Program, Hughes must serve 22,305 locations in 5,379 census blocks in New York.⁵

¹ See *Connect America Fund*, et al., Order, 32 FCC Rcd 968 (2017).

² OEConnect, LLC Petition for Eligible Telecommunications Carrier Status to Receive CAF Phase II Support Through the New NY Broadband Program, WC Docket No. 09-197 (filed May 9, 2018), <https://ecfsapi.fcc.gov/file/1050920563131/OEConnect%2C%20LLC%20-%20FCC%20-%20New%20York%20-%20ETC%20Petition%20-%202005-09-18.pdf> (OEConnect Petition), errata, https://ecfsapi.fcc.gov/file/1061132964827/NYS_HNS_ETC%20Petition%20Supplement_Erratum_Census%20Blocks_06112018.pdf.

³ Hughes Network Systems, LLC Petition for Eligible Telecommunications Carrier Status to Receive CAF Phase II Support Through the New NY Broadband Program, WC Docket No. 09-197 (filed Feb. 5, 2018), <https://ecfsapi.fcc.gov/file/10205761817999/Hughes%20NY%20FCC%20ETC%20Petition%202-5-2018.pdf>, amended, <https://ecfsapi.fcc.gov/file/103270488909649/2018%2003%2027%20-%20Hughes%20ETC%20Supp.pdf>, amended, <https://ecfsapi.fcc.gov/file/1060835101842/OEConnect%20LLC%20-%20WC%20Docket%20No.%2009-197%20-%20Amendment%20to%20Petition%20for%20Eligible%20Telecommunications%20Carrier%20Designation%20-%202006-08-18.pdf>.

⁴ See *Wireline Competition Bureau Announces FCC Deadlines for New York Broadband Program Winning Bidders*, WC Docket No. 10-90, Public Notice, DA 18-510, Attach. A (rel. May 18, 2018) (summarizing estimated CAF awards of winning bidders participating in the New York Program).

⁵ See *id.*

Interested parties may file **comments on or before June 29, 2018**, and **replies on or before July 9, 2018**. All pleadings must reference **WC Docket No. 09-197**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

Paper Filings. Parties who choose to file by paper must file an original and one copy of each filing. 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, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Office of the Secretary, Federal Communications Commission.

- *Hand or Messenger Delivery.* 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 and boxes must be disposed of before entering the building.
- *Commercial Overnight Mail.* Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- *U.S. Postal Service first-class, Express, and Priority mail.* US postal service mail must be addressed to 445 12th Street, S.W., Washington D.C. 20554.

Additional Copies. Parties should send a copy of their filings to Nissa Laughner, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B444, Washington D.C. 20554, or by e-mail to Nissa.Laughner@fcc.gov.

Public Inspection. Filings are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com. The documents may also be viewed in and downloaded from ECFS.

People with Disabilities: To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

Permit but Disclose Ex Parte Communications. For the purposes of the Commission's *ex parte* rules, each petition submitted pursuant to section 214(e)(6) will be treated as initiating a permit-but-disclose proceeding under the Commission's rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).⁸ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation.⁹ If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

⁷ See 47 CFR § 1.1206.

⁸ *Id.* § 1.2016(b)(2)(iii).

⁹ *Id.* § 1.206(b)(1).

presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum.¹⁰ Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).¹¹ In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable.pdf).¹² Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For additional information on this proceeding, please contact Nissa Laughner (Nissa.Laughner@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

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¹⁰ *Id.*

¹¹ *Id.* § 1.1206(b)(2).

¹² *Id.* § 1.1206(b)(2)(i); *see also id.* § 1.49(f).