

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

In the Matter of)	
)	
Petitions for Waiver of Universal Service High-Cost Filing Deadlines)	WC Docket No. 08-71
)	
Connect America Fund)	WC Docket No. 10-90
)	
Connect America Fund – Alaska Plan)	WC Docket No. 16-271
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	

ORDER

Adopted: December 2, 2019

Released: December 2, 2019

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) addresses several petitions requesting waiver of the March 1, 2018 deadline to upload and certify geocoded location information data with the Universal Service Administrative Company (USAC) through the High Cost Universal Broadband (HUBB) portal.¹ Specifically, we act on the petitions filed by Blackfoot Telephone Cooperative, Inc. and Fremont Telcom Company (Blackfoot); Cascade Utilities Inc., Trans-Cascades Telephone Company, and Rio Virgin Telephone Company (Cascade); Farmers Mutual Telephone

¹ See Blackfoot Telephone Cooperative, Inc. and Fremont Telcom Company Request for Limited Waiver of March 1, 2018 Deadline for Certifying Broadband Locations in the High Cost Universal Broadband System for Alternative Connect America Cost Model Funding, WC Docket No. 10-90 (filed Apr. 25, 2019), <https://ecfsapi.fcc.gov/file/104251699611677/Blackfoot%20Waiver%20Request%20re%20HUBB%2004-25-19%20FINAL.pdf> (Blackfoot Waiver Petition); Petition of Cascade for Waiver and Rescission of High-Cost Support Reduction Penalties Imposed by the Universal Service Administrative Company pursuant to Section 54.316(c)(1) of the Commission's Rules, WC Docket No. 10-90 (filed Jun. 18, 2019), <https://ecfsapi.fcc.gov/file/10618177001517/Cascade%20Petition%20Waiver%20and%20Rescission%20June%202019.pdf> (Cascade Waiver Petition); Request for Expedited Treatment Petition for Waivers of Section 54.316(c)(1) and Section 54.316(c)(1)(ii) of the Commission's Rules FMTC, WC Docket No. 10-90, et al., (filed Aug. 13, 2019), <https://ecfsapi.fcc.gov/file/1081360387595/FMTC%20Jesup%20-%20Request%20for%20Waiver%20of%20ACAM%20Locations%20Certification.pdf> (FMTC Waiver Petition); KPU Petition for Waiver of March 1, 2018 HUBB Portal Certification Deadline, WC Docket Nos. 08-71, 14-58, 16-271, (filed May 9, 2019), <https://ecfsapi.fcc.gov/file/105090829408341/KPU%20HUBB%20Waiver.pdf> (KPU Waiver Petition); Petition for Expedited Waiver By NEP of Section 54.316(c) Of The Commission's Rules, WC Docket Nos. 10-90, 14-58 (filed Mar. 12, 2019), <https://ecfsapi.fcc.gov/file/103121925821424/3%2012%202019%20NEP%20Petition%20for%20Expedited%20Waiver.pdf> (NEP Waiver Petition); Request for Expedited Treatment Petition of Olin, WC Docket Nos. 10-190, 14-58, 07-135, CC Docket No. 01-92 (filed Jun. 13, 2019), <https://ecfsapi.fcc.gov/file/10613734420163/Olin%20Telepnone%20HUBB%20Petition.pdf> (Olin Waiver Petition); Emergency Request for Expedited Treatment Petition For Waiver Impacted RLEC HUBB Filers, CC Docket No. 01-92, WC Docket Nos. 10-90, 14-58, 07-135 (filed Jun. 11, 2019), <https://ecfsapi.fcc.gov/file/10611356427306/HUBB%20Waiver%20-FINAL%206-11-2019.pdf> (RLEC HUBB Filers Waiver Petition).

Company d/b/a Heartland Technology (FMTC); Ketchikan Public Utilities (KPU); North-Eastern Pennsylvania Telephone Company (NEP); Olin Telephone Company, Inc. (Olin); and Interstate Telecommunications Cooperative, Inc. – MN, Manawa Telephone Company, Sand Creek Communications Company, Telephone Electronics Corporation – AL, Westphalia Telephone Company, and West River Telecom (RLEC HUBB Filers) (collectively the Petitioners). Based on the record before us, we find that the Petitioners have demonstrated there is good cause to waive the applicable sections of the Commission’s rules and, accordingly, grant the requested relief.

II. BACKGROUND

2. The 2016 *Rate-of-Return Reform Order* adopted new annual reporting requirements for rate-of-return eligible telecommunications carriers (ETCs).² The order directed these ETCs “to submit to [USAC] the geocoded locations to which they have newly deployed broadband.”³ ETCs must provide annual certifications with this geocoded location information data to demonstrate the ETC is on track to meet its deployment obligations.⁴ In addition to these requirements, the Commission adopted enforceable milestones that take effect throughout the term of support.⁵ Accordingly, each “rate-of-return ETC electing [support] must certify that it met its 40 percent interim deployment obligation at the time it files its final location report for 2020 . . .”, two years after the March 1, 2018 deadline that is the subject of these petitions.⁶

3. The 2016 *Rate-of-Return Reform Order* further directed USAC to develop an online system to accept the geocoded location information data and related certifications.⁷ In response, USAC developed and implemented the HUBB portal. ETCs receiving high-cost support now must file their geocoded location information data and related certifications through the HUBB.⁸ Section 54.316 of the Commission’s rules contains the reporting and certification requirements for these ETCs.⁹ Subpart (a) sets out the broadband reporting requirements, (b) outlines the certification requirements, and (c) establishes the filing deadlines and penalties if an ETC fails to properly report and certify its geocoded location information data.¹⁰ On December 8, 2016, the Bureau released a Public Notice to provide further guidance on the dual requirements to report both geocoded location information data and the related certification through the HUBB.¹¹

4. The Commission has consistently encouraged ETCs subject to defined deployment obligations and HUBB reporting obligations to report geocoded location information data on a rolling basis and has adopted a best practice of filing this information within 30 days after the initial offering of

² *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31 FCC Rcd 3087, 3163-64, para. 209 (2016) (*Rate-of-Return Reform Order*).

³ *Id.* at 3164, para. 210.

⁴ *Id.* at 3092, para. 7.

⁵ *Id.* at 3100-01, para. 31.

⁶ *Id.* at 3166, para. 215.

⁷ *Id.* at 3166, para. 214 (directing the Bureau to work with USAC to develop an online portal).

⁸ *See, e.g., id.* at 3117, para. 79 & n.156 (describing portal filing obligations for recipients of Phase II model-based support); *id.* at 3167, para. 219 (describing portal filing obligation for rate-of-return ETCs).

⁹ *See* 47 CFR § 54.316.

¹⁰ *Id.*

¹¹ *See Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding Their Broadband Location Reporting Obligations*, WC Docket No. 10-90, Public Notice, 31 FCC Rcd 12900 (WCB 2016) (*HUBB Reporting Public Notice*).

service.¹² The Commission recommended this best practice to help minimize errors caused by the filing process.¹³

5. The deadline for ETCs to report and certify geocoded location information data for new broadband service deployed during 2017 was March 1, 2018.¹⁴ For various reasons, each of the petitioning ETCs failed to properly and timely certify all 2017 geocoded location information data.

6. *Blackfoot's Waiver Petition.* On April 25, 2019, Blackfoot requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) and the support reductions established by section 54.316(c)(1)(i) of the Commission's rules.¹⁵ According to the petition, Blackfoot's Regulatory Specialist uploaded all its 2017 geocoded broadband information data between February 5, 2018 and February 13, 2018.¹⁶ She then instructed Blackfoot's General Counsel to certify this data, which included information data for 475 locations.¹⁷ On February 16, 2018, the General Counsel completed the certification process through the HUBB.¹⁸ The General Counsel attested he received a confirmation number indicating the certification process was complete but did not save a screenshot of the image or record the confirmation number because he expected to receive a confirmation email.¹⁹ On March 5, 2018, a USAC representative called the Regulatory Specialist to inform her Blackfoot had missed the certification deadline.²⁰ On March 08, 2019, the General Counsel re-certified all 475 pieces of the 2017 geocoded location information data in the HUBB.²¹ Blackfoot requested a waiver because it believes a technical error with the HUBB caused the certification delay.²²

7. *Cascade's Waiver Petition.* On June 18, 2019, Cascade requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.²³ According to the petition, Cascade uploaded and submitted its 2017 geocoded location information data through the HUBB on or before February 28, 2018.²⁴ On March 8, 2018, USAC informed Cascade it had not actually certified this information.²⁵ A Cascade employee promptly certified this information, but Cascade received reduced support because of the delay.²⁶ Cascade requested a waiver because it did not believe annual certifications were required of its geocoded location information data prior to the beginning of the

¹² See *Rate-of-Return Reform Order*, 31 FCC Rcd at 3164, para. 211.

¹³ *Id.*

¹⁴ See *HUBB Reporting Public Notice*.

¹⁵ See *Blackfoot Waiver Petition*.

¹⁶ *Id.* at 5.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 5-6.

²⁰ *Id.* at 6.

²¹ *Id.* at 8.

²² *Id.* at 13.

²³ See *Cascade Waiver Petition*.

²⁴ *Id.* at 3.

²⁵ *Id.*

²⁶ *Id.*

Commission's enforceable milestones in 2020.²⁷ Cascade argues its high-cost support should not be reduced because Cascade complied with the reporting requirements outlined in section 54.316(a).²⁸

8. *FMTC's Waiver Petition.* On August 13, 2019, FMTC requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.²⁹ According to the petition, FMTC had no new locations to report or certify through the HUBB for the 2017 reporting cycle.³⁰ FMTC asserts it properly certified "no locations to upload" on February 26, 2018.³¹ FMTC personnel in charge of HUBB reporting received no notice from the HUBB or USAC concerning any problems with the certifications until February 29, 2019, when USAC informed FMTC its geocoded location information data had not been properly certified.³² FMTC requested a waiver because, it alleges, its failure to comply with the certification requirements was "due to a technical error and not any action or omission of FMTC or its personnel."³³

9. *KPU's Waiver Petition.* On May 9, 2019, KPU requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.³⁴ According to the petition, KPU entered its geocoded location information data into the HUBB on a timely basis and completed the process on March 1, 2018.³⁵ According to KPU's Assistant Telecommunications Division Manager, USAC later informed KPU that the HUBB had experienced technical difficulties during KPU's certification process.³⁶ As a result of the error, KPU's data had not been successfully certified on March 1.³⁷ KPU tried again to certify the geocoded located information data but was penalized for the delay.³⁸ KPU requested a waiver because, it alleges, the failed certification was due to a "technical glitch" and not any failure by KPU or its personnel.³⁹

10. *NEP's Waiver Petition.* On March 12, 2019, NEP requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.⁴⁰ NEP states that it uploaded all its geocoded location information data into the HUBB before the March 1 deadline.⁴¹ During the certification process, the NEP users responsible for HUBB submissions attempted to certify all 1,693 locations.⁴² These employees attended USAC-sponsored webinars and reviewed HUBB documentation to familiarize themselves with this new submission process, but were confused by the selection options on

²⁷ *Id.* at 5.

²⁸ *Id.* at 8-9.

²⁹ *See FMTC Waiver Petition.*

³⁰ *Id.* at 2.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 4.

³⁴ *See KPU Waiver Petition.*

³⁵ *Id.* at 4.

³⁶ *Id.* at 4-5.

³⁷ *Id.* at 4.

³⁸ *Id.* at 5.

³⁹ *Id.*

⁴⁰ *See NEP Waiver Petition.*

⁴¹ *Id.* at 2.

⁴² *Id.*

the certification screen and only successfully certified 10 locations.⁴³ NEP attempted to rectify this issue by resubmitting its uncertified geocoded location information data but could no longer access the HUBB.⁴⁴ NEP requested a waiver because it did upload all its geocoded location information data and only failed to certify all 1,693 locations because of confusion with the new HUBB interface.⁴⁵

11. *Olin's Waiver Petition.* On June 13, 2019, Olin requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.⁴⁶ According to the petition, Olin's general manager timely certified Olin had no locations to report or certify for the 2017 reporting year.⁴⁷ In April 2018, USAC informed Olin it had not properly certified this information.⁴⁸ Olin attempted to re-certify this data but was unable to access the HUBB.⁴⁹ Olin requested a waiver because of "possible errors in the USAC HUBB that resulted in USAC's failure to accept Olin's certification"⁵⁰

12. *RLEC HUBB Filers Petition.* On June 11, 2019, the six RLEC HUBB filers jointly requested a waiver of the 2018 filing deadline established by section 54.316(c)(1) of the Commission's rules.⁵¹ According to the petition, three of the ETCs timely reported and certified, through the HUBB, every location within their service areas in states where they deployed broadband services in 2017, but they did not make a certification in states where they deployed no broadband services in 2017, nor did the other three ETCs (that only serve a single state each).⁵² On March 1, 2018, the Bureau published a public notice instructing that an ETC "can certify in the HUBB that it did not deploy any locations in the prior reporting year."⁵³ The RLEC HUBB filers assert this language made the requirement to certify locations where they deployed no service optional.⁵⁴ The RLEC HUBB Filers requested a waiver because their failure to properly certify their geocoded location information data was due to "unclear guidance" while using the HUBB portal for the first time.⁵⁵

III. DISCUSSION

13. We find that the Petitioners have demonstrated there is good cause to waive the applicable sections of the Commission's rules.⁵⁶ USAC processes a tremendous amount of data each

⁴³ *Id.* at 2-4.

⁴⁴ *Id.* at 2.

⁴⁵ *Id.*

⁴⁶ *See Olin Waiver Petition.*

⁴⁷ *Id.* at 5.

⁴⁸ *Id.* at 1.

⁴⁹ *Id.* at 3.

⁵⁰ *Id.* at 7.

⁵¹ *See RLEC HUBB Filers Waiver Petition.*

⁵² *Id.* at 3.

⁵³ *Wireline Competition Bureau Provides Further Guidance to Recipients of Connect America Fund-Broadband Loop Support on Reporting and Deployment Obligations*, WC Docket No. 10-90, Public Notice, 33 FCC Red 2119, 2120 (WCB 2018) (*HUBB Guidance Public Notice*).

⁵⁴ *RLEC HUBB Filers Request for Review*, at 5.

⁵⁵ *Id.* at 3.

⁵⁶ Generally, the Commission's rules may be waived for good cause shown. 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

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year, making it administratively necessary to require ETCs to meet the filing deadlines absent special circumstances.⁵⁷ Although our rules require that data and certifications must be received by the applicable deadline, we find that the Petitioners have demonstrated, in these special circumstances, there is good cause to waive the filing deadlines.

14. Specifically, we find that waivers are warranted because the Petitioners all describe confusion with new HUBB filing requirements and we agree there may have been technical difficulties with accessing or certifying information in the newly deployed HUBB. The Petitioners faced the unique situation of having both new reporting requirements and a new method through which to report the geocoded location information data. Each Petitioner reported some problem or misunderstanding about the required filings and certifications with this new system. The Bureau issued further guidance with the *HUBB Guidance Public Notice*, but this guidance was not disseminated until the same day as the reporting and certification deadline. Under these particular, limited circumstances, we find that waivers of the Commission's rules are warranted. Going forward, ETCs should be familiar with the reporting and certification requirements, as well as the HUBB interface, so the Bureau is unlikely to grant similar waiver petitions in the future.

15. *Blackfoot, Cascade, KPU, and NEP's Waiver Petitions.* Each of these ETCs successfully uploaded the necessary geocoded location information data to the HUBB prior to the reporting deadline. When informed of errors in the certification process, the ETCs promptly attempted to remedy the error. In the past, when ETCs filed required data shortly after filing deadlines, the Bureau has waived the filing deadline.⁵⁸ We note that, absent highly extraordinary circumstances, the Bureau has not found good cause to waive deadlines when petitioners filed significantly after the deadline.⁵⁹ In 2014, the Commission established a new enforcement structure to track compliance with CAF Phase II deployment obligations.⁶⁰ This enforcement structure accounts for late filings, making it unlikely the Bureau will, in the future, find special circumstances exist to waive these deadlines even for ETCs who promptly attempt

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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 the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008), *Northeast Cellular*, 897 F.2d at 1166. The party seeking waiver of the Commission's rules bears the burden of demonstrating good cause. *Thomas Radio v. FCC*, 716 F.2d 921, 924 (D.C. Cir. 1983).

⁵⁷ See, e.g., *Federal-State Joint Board on Universal Service; FiberNet, LLC, Petition for Waiver of Section 54.307(c) of the Commission's Rules and Regulations*, CC Docket No. 96-45, Order, 19 FCC Rcd 8202, 8204, para. 5 (WCB 2004).

⁵⁸ See, e.g., *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, CC Docket No. 08-71 et al., Order, 25 FCC Rcd 843, 853, para. 21 (WCB 2010) (granting waivers where the filings were submitted between one and fourteen business days after the deadline); *AT&T Communications of NY & AT&T Communications of California Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 22 FCC Rcd 953, 955, para. 6 (WCB 2007) (*AT&T Order*) (granting waiver where the filing was submitted two business days after the deadline); *NPCR, Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 22 FCC Rcd 560, 562, para. 6 (WCB 2007) (*NPCR Order*) (granting waiver where the filing was submitted one business day after the deadline); *Northwest Dakota Cellular of North Dakota Limited Partnership; North Central RSA 2 of North Dakota Limited Partnership; North Dakota RSA No. 3 Limited Partnership; Badlands Cellular of North Dakota Limited Partnership; North Dakota 5-Kidder Limited Partnership; and Bismarck MSA Limited Partnership Petition for Waiver of Section 54.307 of the Commission's Rules*, CC Docket No. 96-45, Order, 21 FCC Rcd 9179, 9181, para. 6 (WCB 2006) (granting waiver where the filing was submitted one day after the deadline); *Verizon Communications Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 21 FCC Rcd 10155, 10157, para. 7 (WCB 2006) (*Verizon Order*) (granting waiver where the filing was submitted two business days after the deadline); *Citizens Communications and Frontier Communications Petition for Waiver of Section 54.802(a) of the Commission's Rules*,

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to remedy any deficiencies in their filings.⁶¹

16. We also find it in the public interest to grant these petitions. While the Commission requires a certification to ensure the ETCs are able to meet their deployment obligations, the geocoded location data was successfully uploaded to the HUBB prior to the deadline.

17. *RLEC HUBB Filers, Olin, and FMTC's Waiver Petitions.* Each of these ETCs successfully uploaded the necessary geocoded location information data to the HUBB prior to the deadline. Each ETC also successfully certified the locations to which it had deployed broadband service in the previous year. The error occurred when these ETCs failed to certify they had no new locations to report. We find that special circumstances exist where the Bureau published, on the same day as the reporting deadline, a public notice stating: “a carrier can certify in the HUBB that it did not deploy any locations in the prior reporting year.”⁶² We find that it was not unreasonable for these ETCs to be confused by the ambiguous directions issued on the same day HUBB filings were due.

18. We also find it in the public interest to grant these petitions. In states where these filers had deployed locations, they properly certified, prior to the deadline, all the locations where they extended service in 2017. This approach is consistent with the *Rate-of-Return Reform Order's* objective to “submit to USAC the geocoded locations to which they have newly deployed broadband.”⁶³

19. In states where these filers deployed no new locations, granting this petition does not interfere with the Commission’s intent to “determine compliance with the associated deployment obligations” as there are no new locations to track.⁶⁴ Without a certification from each HUBB filer, USAC and the Bureau would not know whether an ETC had missed the deadline, and therefore support withholding should be applied, or if the ETC had no locations to report. In this instance, however, we find the public interest would be served by waiving the deadline for the first filing year, given these filers’

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CC Docket No. 96-45, Order, 20 FCC Rcd 16761, 16764, para. 9 (WCB 2005) (*Citizens/Frontier Order*) (granting waiver where the filing was submitted two business days after the deadline); *FiberNet, LLC Petition for Waiver of FCC Rule Section 54.307(c)(4)*, CC Docket No. 96-45, Order, 20 FCC Rcd 20316, 20317, para. 5 (WCB 2005) (granting waiver where the filing was submitted five days after the deadline).

⁵⁹ See, e.g., *Cedar Valley Communications, Inc. Petition for Waiver of 47 CFR. §§ 54.307(d), 54.314(a), and 54.904(d)*, CC Docket 96-45, Order, 23 FCC Rcd 114, 115-16, para. 7 (WCB 2008) (denying waiver because the filing deadline was missed by more than five months); *NPI-Omnipoint Wireless, LLC Petition for Waiver of Sections 54.307(c), 54.802(a), and 54.903 of the Commission's Rules*; *SouthEast Telephone, Inc. Petition of Waiver of Deadlines in 47 CFR. § 54.809(c)*; *SEI Data, Inc. Petition for Waiver of Filing Deadline in 47 CFR Section 54.802(a)*, CC Docket 96-45, Order, 22 FCC Rcd 4946, 4948-49, paras. 4-7 (WCB 2007) (denying NPI’s waiver because the filing deadline was missed by more than six months; denying SEI’s waiver because the filing deadline was missed by more than three months); *South Slope Cooperative Telephone Company, Petition for Waiver of Filing Deadline in 47 CFR Section 54.307(c)*, CC Docket No. 96-45, Order, 19 FCC Rcd 17493, 17494-95, para. 5 (WCB 2004) (denying waiver because the filing deadline was missed by more than a month); but see *Smithville Telephone Company, Inc.*, CC Docket No. 96-45, Order, 19 FCC Rcd 8891, 8892-93, para. 5 (WCB 2004) (granting waiver where Smithville missed filing deadline by more than four months due in large part to the death of the company’s president less than one month before the filing deadline).

⁶⁰ See *Connect America Fund et al.*, WC Docket No. 10-90, et al. *Report and Order*, 29 FCC Rcd 15644, 15694-700, paras. 142-54 (2014) (*December 2014 Connect America Order*).

⁶¹ Prior to the *December 2014 Connect America Order*, ETCs lost support on a quarterly basis until they made a proper filing. See *id.* After that order, ETCs that certify past the deadline have a three-day grace period, followed by a minimum seven-day reduction in support. See *id.* at 15690, paras. 130-131. Should the ETC fail to certify past this time period, they will lose support on a pro-rata daily basis. Considering this more targeted enforcement structure, the Commission announced it would “cease the practice of finding there is good cause for a waiver of high-cost filing deadlines in circumstances where an ETC has missed the deadline due to an administrative or clerical oversight.” See *id.* at 15692, para. 138.

reasonable confusion by the Bureau's public notice and that, ultimately, each made the requisite certification. Unlike late-filed locations, the certification did not impede the Bureau's ability to monitor broadband deployment. Filers assert they are now aware of the necessity to certify they deployed no new locations in a filing year and will do so going forward.⁶⁵

20. It remains the ETC's responsibility to familiarize itself with any applicable regulations and ensure that its filings are timely received, regardless of the time and method of their filings.⁶⁶ ETCs must meet the requisite filing deadlines because USAC processes such a large amount of information.⁶⁷ The Commission has consistently encouraged ETCs subject to defined deployment obligations and HUBB reporting obligations to report location data on a rolling basis and has adopted a best practice of filing this information within 30 days after the initial offering of service.⁶⁸ Once an ETC successfully certifies geocoded location information data, USAC provides that ETC with a confirmation the ETC should retain for its recordkeeping. The Bureau now expects that, after this initial reporting and certification deadline, ETCs are familiar with their reporting requirements and the HUBB interface. The Bureau thus is unlikely to grant future petitions with similar facts.

IV. ORDERING CLAUSES

21. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), 214 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(1), 155(c), 214, and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that this Order IS ADOPTED.

22. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Blackfoot Telephone Cooperative, Inc. and Fremont Telcom Company is GRANTED as described herein.

23. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Cascade Utilities, Inc., Trans-Cascades Telephone Company, and Rio Virgin Telephone Company is GRANTED as described herein.

24. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Farmers Mutual Telephone Company d/b/a Heartland Technology is GRANTED as described herein.

25. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Ketchikan Public Utilities is GRANTED as described herein.

26. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by North-Eastern Pennsylvania Telephone Company is GRANTED as described herein.

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⁶² See *HUBB Guidance Public Notice*.

⁶³ See 31 FCC Rcd at 3166, para. 210.

⁶⁴ *Rate-of-Return Reform Order*, 31 FCC Rcd at 210.

⁶⁵ See RLEC HUBB Filers Waiver Petition at 7.

⁶⁶ See *Petitions for Waiver of Universal Service High-Cost Filing Deadlines et al.*, WC Docket No. 08-71, Order, 24 FCC Rcd. 4811, para. 12 (WCB 2009); see also 47 CFR § 0.406.

⁶⁷ See *id.* at 4810, para. 10.

⁶⁸ See *id.* at 3164, para. 211.

27. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Olin Telephone Company is GRANTED as described herein.

28. IT IS FURTHER ORDERED that the petition for waiver of section 54.316(c)(1) of the Commission's rules, 47 CFR § 54.316(c), filed by Interstate Telecommunications Cooperative, Inc. – MN, Manawa Telephone Company, Sand Creek Communications Company, Telephone Electronics Corporation – AL, Westphalia Telephone Company, and West River Telcom is GRANTED as described herein.

29. 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