

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

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

ORDER

Adopted: June 30, 2020

Released: June 30, 2020

By the Chief, Telecommunications Access Policy Division, 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 rate-of-return carriers receiving support pursuant to Alternative Connect America Model (A-CAM) I and II and the Alaska Plan to file their line count data as required by sections 54.313(f)(5) and (j) of the Commission's rules.¹ Specifically, the Bureau will allow carriers until July 31, 2020 to file the FCC Form 507 line count data.

2. In the *December 2018 Rate-of-Return Reform Order*, the Commission required rate-of-return carriers that do not receive Connect America Fund Broadband Loop Support (CAF BLS), including carriers that elected support pursuant to the A-CAM offers and the Alaska Plan, to file line counts annually on the FCC Form 507.² This rule could not become effective, however, until announcement in the Federal Register that the Office of Management and Budget (OMB) had approved the data collection.³ OMB approved the collection on June 22, 2020; the notice announcing the effective date was published in the Federal Register on June 30.⁴ As a result, while the rule will be effective on July 1, it is possible that many of the carriers required to file line counts pursuant to the rule will not have sufficient notice to comply.

3. On our own motion, the Bureau grants a brief, limited waiver to all rate-of-return carriers that are required to file the FCC Form 507 on July 1 pursuant to section 54.313(f)(5) of the Commission's rules. Generally, the Commission's rules may be waived for good cause shown.⁵ Because the effective date of the order will occur so closely in time to the filing date, we find that special circumstances warrant

¹ 47 CFR §§ 54.313(f)(5) (requiring line count data), (j) (setting July 1 deadline). *See* 47 CFR § 1.3 (Commission may waive its rules on its own motion).

² *See Connect America Fund et al.*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 33 FCC Rcd 11893,11937-38, para. 151 (2018).

³ *Id.*, at 11955, para. 227.

⁴ *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Announcement of Effective Date, 85 FR 39076 (available at <https://www.govinfo.gov/content/pkg/FR-2020-06-30/pdf/2020-14078.pdf>).

⁵ 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.

grant of a limited waiver of the annual reporting requirements to provide sufficient time for filers to submit the required information. We therefore grant an extension of the section 54.313(j) filing deadline this year, as it relates to the FCC Form 507 filings required by section 54.313(f)(5), and require that subject carriers submit and certify the FCC Form 507 to USAC by July 31, 2020. We do not extend deadlines for other filings governed by 54.313(j).

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 54.313(j) of the Commission’s rules, 47 CFR § 54.313(j), 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

Ryan Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau