



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU EXTENDS DEADLINE FOR ANNUAL HIGH-COST USE CERTIFICATION TO OCTOBER 31, 2022

WC Docket No. 10-90

By this Public Notice, the Wireline Competition Bureau (Bureau) announces a limited waiver of section 54.314(d)(1) of the Commission's rules, extending the filing deadline for states or eligible telecommunications carriers (ETCs) not subject to the jurisdiction of a state to certify the proper use of federal high-cost universal service support. Under this limited waiver, states or ETCs must file the section 54.314 certification with the Universal Service Administrative Company by October 31, 2022.

Pursuant to section 54.314(a) of the Commission's rules, a state must certify annually that federal high-cost support awarded to ETCs within that state has been used and will be used "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."¹ In order for a carrier to be eligible for high-cost universal service support for all of calendar year 2023, a section 54.314 certification must be submitted to the Commission by October 1, 2022.² States rely in part on information filed annually by ETCs in the FCC Form 481 pursuant to section 54.313 in developing their section 54.314 certifications.³

The Bureau, on its own motion, grants a limited waiver of the October 1, 2022 section 54.314(d)(1) certification deadline. Generally, the Commission's rules may be waived for good cause shown.⁴ Waiver of section 54.314(d)(1) is justified by the special circumstance that states were delayed in being able to review ETCs' FCC Form 481 annual reports. Because of the need to obtain Paperwork Reduction Act approval, the Bureau extended the FCC Form 481 filing deadline until July 29, 2022.⁵ As a result, states' access to ETCs' annual reports has been delayed. Accordingly, a limited waiver

¹ 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).

² *See* 47 CFR § 54.314(d)(1).

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 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.

⁵ *Wireline Competition Bureau Announces Availability of FCC Form 481 Certification and July 29, 2022 Submission Deadline*, WC Docket No. 10-90, Public Notice, DA 22-743 (WCB July 11, 2022).

extending the section 54.314(d)(1) deadline to from October 1, 2022 to October 31, 2022 would serve the public interest by providing states the time contemplated in the Commission's rule to review the annual reports and develop their section 54.314 certifications.⁶

For further information, please contact Stephen Wang, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or via email at Stephen.Wang@fcc.gov.

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⁶ For administrative convenience so that there is one 54.314(d)(1) deadline this year, this limited waiver also applies to ETCs not subject to the jurisdiction of the state that file the same certification.