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FCC Mail Room

February 18, 2016

Mr. Tom Wheeler
Chairman, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler,

We write to urge the Federal Communications Commission (FCC) to grant a limited waiver petition for Westelcom Network, Inc. (Westelcom) with respect to 47 C.F.R. § 61.26(a)(6) of the FCC's rules – which defines rural competitive local exchange carriers (CLECs). Located in the Adirondack North Country of New York, Westelcom services six counties across the region and has been a leader in the deployment of fiber-based broadband in this area. Through their broadband network investments, Westelcom has become a critical source of communication services to medical centers seeking to provide telehealth medicine.

The 2012 Census Bureau reclassified Watertown, New York — one of Westelcom's major service areas — and, for classifications purposes, included the Fort Drum military base within its population total. The inclusion of this military base increased the population associated with the Watertown area and caused it to be reclassified to an "urbanized" area. Under the new classification, Westelcom no longer meets the FCC's definition of a rural CLEC and is no longer eligible to use the "rural exemption" rate for its interstate switched access services. Of course, as anyone who has been there knows, Watertown is far from urban and I urge you to rectify this bureaucratic mistake as soon as possible.

As you know, the FCC's 2011 USF/ICC Transformation Order included a transition period for rural CLECs to phase down access service rates to ensure that rural carriers have an adequate amount of time to maintain their investments, preventing the possibility of a rapid reduction in revenue for those companies. Because of this transition period, rural CLECs have the ability to continue their investments in broadband networks to insure that the needs of these communities continue to be met.

The rapid reclassification of Watertown to an "urbanized area due to the Census Bureau change means that Westelcom will be denied the transition period provided to rural CLECs, and will result in an immediate 96 percent loss in access charge revenue for Westelcom. Without this revenue, Westelcom will not be able to continue its investments into the deployment of the fiber-based network serving specific rural areas of upstate New York such as Malone, Clayton, Elizabethtown, Ticonderoga, Plattsburgh, and Watertown, New York.

We are deeply concerned that the failure to act promptly in this matter will directly harm the rural areas served by Westelcom. It has been almost a year since Westelcom filed an application for a limited waiver requesting reconsideration for a reasonable transition period. It is crucially important that the health and service needs of the constituents in the Adirondack North County of New York are not compromised. The relief requested in this waiver petition is consistent with the Commission's goal of ensuring the deployment of robust broadband networks in rural America, including the sparsely-populated rural Adirondack North Country region in New York, and the advancement of rural telemedicine networks.

Thank you for your attention to this matter.

Sincerely,



Kirsten Gillibrand
United States Senator



Chuck Schumer
United States Senator