

March 22, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington DC 20554

**Re: WC Docket Nos. 15-69 et al.**

Dear Chairman Pai,

We write today to follow up on a waiver petition request on behalf of Westelcom Network, Inc., a rural carrier based in the Adirondacks that provides broadband to six counties across northern New York. We are concerned that the failure to act promptly in this matter will directly harm the rural areas served by Westelcom.

In 2012, the Census Bureau for the first time included the Fort Drum military base as within the township of Watertown, New York — one of Westelcom’s major service areas. The inclusion of this military base, which is ineligible for service by Westelcom, caused Watertown to be reclassified from a “rural” to an “urbanized” area. Of course, as anyone who has been there knows, Watertown is far from urban. Even still, because of the new classification, Westelcom no longer meets the definition of rural competitive local exchange carrier (CLEC) under the Federal Communications Commission’s (FCC) rules and has lost its ability to receive the “rural exemption” rate for its interstate switched access services as provided under the FCC’s *2011 Transformation Order*. The impact of this bureaucratic mistake on Westelcom has resulted in a nearly 96 percent flash cut in anticipated revenue.

Approximately one year ago, we wrote to then-Chairman Wheeler urging the FCC to grant a limited waiver petition for Westelcom with respect to 47 C.F.R. § 61.26(a)(6) of the FCC’s rules — which defines rural CLECs. Due to our efforts and those of our staff, an agreement was reached that would phase down Westelcom’s use of rural CLEC rates as they transition to the price cap rates. With this reprieve, Westelcom could then continue to provide voice and broadband services to the rural areas of the New York. The wind-down period would also ensure equal funding to the company vis-à-vis its competitors, who never confronted the flash rate cut that Westelcom has experienced. Although the compromise order was circulated in December of 2016, the FCC has not taken official action on it.

We worry that continued delays in the waiver approval could further diminish the company’s ability to compete, force downsizing, and add to the ongoing risk to the company. Its customers — our constituents in a rural area that desperately needs broadband — will be the ones who ultimately suffer. As a small business, the impact of this loss in revenue for Westelcom — and the resulting impacts on the customers it serves — will be devastating, especially when compared

to the much larger carriers with which Westelcom competes. Located in the rural North Country of New York, Westelcom is the lead fiber-based provider in the area. Through their broadband network investments, Westelcom has become a critical source of communication services to 100 health care facilities, telemedicine networks, municipalities, and education facilities. The relief requested in this waiver petition is consistent with the Commission's goal of investing in rural broadband and supporting the advancement of rural telemedicine networks.

Given the importance of this company to the deployment of broadband in the area, we ask that you swiftly review this petition and grant the waiver request. In doing so, please utilize our staff to ensure the process moves as expeditiously as possible.

Sincerely,



Charles E. Schumer  
United States Senator



Kirsten Gillibrand  
United States Senator



Elise M. Stefanik  
Member of Congress