

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

Released: September 6, 2017

2. Under section 54.314 of the Commission's rules, a state must certify annually that high-cost support given to ETCs within that state has been used and will be used only for the purpose for which support was intended; the certification is due on October 1.² States rely in part on review of the information filed annually by ETCs in developing their section 54.314 certifications.³ In 2014, the Commission adopted a rule requiring price cap carriers that accepted Connect America Phase II model-based support to report annually the latitude and longitude of locations to which they deployed qualified voice and broadband in the prior calendar year.⁴ Phase II model-based support recipients first reported this geospatial information in their 2016 FCC Form 481s filed with the FCC, the Universal Administrative Company (USAC), and state commissions and Tribal governments. Subsequently, the Commission extended that reporting requirement to all ETCs with fixed broadband deployment obligations and established a reporting deadline of March 1 each year for locations deployed in the prior calendar year.⁵ The Commission also directed USAC to develop an online portal by which ETCs could report the geospatial information.⁶ Working with WCB staff, USAC developed the High Cost Universal Broadband (HUBB) portal.

⁶ *Rate-of-Return Reform Order*, 31 FCC Rcd at 3166, para. 214.

3. The Bureau, on its own motion, grants a limited waiver of the October 1 deadline. Generally, the Commission's rules may be waived for good cause shown.⁷ Waiver of section 54.314(d)(1) is justified by the special circumstances that states only recently were able to access through the HUBB portal the Phase II geospatial information reported to USAC on July 3, 2017. A limited waiver will serve the public interest by allowing states sufficient time to review the data before submitting their required certifications. Although the information states did not have access to is limited to Phase II model-based support recipients, we find that a single filing deadline will reduce the administrative burden on the Administrator, USAC, and lessen potential confusion that might arise from a staggered deadline.

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 54.314(d)(1) of the Commission's rules, 47 CFR § 54.314(d)(1), 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

Sue McNeil
Associate Chief
Wireline Competition Bureau

⁷ 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.