

**Before the
FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	
Connect America Fund – Alaska Plan)	WC Docket No. 16-271

**PETITION FOR EXPEDITED WAIVER BY
ARCTIC SLOPE TELEPHONE ASSOCIATION COOPERATIVE
OF THE 2018 HUBB PORTAL FILING DEADLINE
AS SET FORTH IN THE COMMISSION’S RULES**

Arctic Slope Telephone Association Cooperative (“ASTAC”) hereby requests a waiver for the 2018 deadline for participants in the Alaska Plan to file in the High Cost Universal Service Broadband (“HUBB”) portal all newly served or upgraded broadband locations that they deployed broadband service in 2017. This Wireline Competition Bureau adopted this deadline in a Public Notice (*Wireline Competition Bureau Provides Guidance To Carriers Receiving Connect America Support Regarding Their Broadband Location Reporting Obligations*), WC Docket No. 10-90, DA 16-1363, released on December 8, 2016. This filing deadline is applicable to rural local exchange carriers (“RLECs”) receiving High Cost Universal Service Fund (“USF”) support as part of the Alaska Plan. The filing deadline was set as part of implementation of Section 54.316 of the Commission’s rules as adopted by the Rate-of-Return Reform Order.

As discussed below, good cause exists to waive the 2018 deadline established for Alaska Plan carriers to allow ASTAC to report and certify locations that it newly served or upgraded with broadband service during 2017.

ASTAC is a rural incumbent local exchange carrier (“RLEC”) that serves the North Slope Borough in rural, remote Alaska. ASTAC is a participant in the Alaska Plan and must file all newly deployed or upgraded locations where broadband meeting the requirements of their approved Alaska performance plan became available in the prior calendar year.

While ASTAC was preparing for the March 1, 2019 HUBB filing, the company discovered some database inconsistencies that required reconciliation and adjustments to data in its initial filing in 2018. First, ASTAC discovered that there were some isolated instances with the process of how the company pulled its new locations to report from the user database in the initial filing. ASTAC has worked with great diligence to ensure that the remediation of the user database procedures was thorough and is confident that the company has implemented the proper protocols that will prevent future issues of this nature from occurring.

A secondary area that required attention was the necessity to reconcile ASTAC data with the Master Street Address Guide (MSAG) for the areas where ASTAC added locations in 2017. The MSAG’s for many areas in Alaska, including ASTAC’s study area, do not currently possess the veracity or precision encompassed in the vast majority of the MSAG’s in the lower 48 states. While ASTAC’s original data proved out in about 70% of the comparison, this necessary review step created some additional data changes from the initial 2018 filing.

ASTAC requests that the Commission grant a waiver for the 2018 filing deadline. A waiver of the 2018 deadline for 2017 data will allow ASTAC’s 366 newly served or upgraded broadband locations deployed during 2017 and reported late in the HUBB to be certified, enabling the 366 locations to count toward the company’s Alaska Plan performance obligations.

Section 1.3 of the Commission’s rules allows the Commission to waive its rules on its own motion or for good cause shown. Generally, 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*). Moreover, 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) (*WAIT Radio*), cert. denied, 409 U. S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

Good cause exists for ASTAC's requested waiver of the 2018 deadline for the Alaska Plan participants to report and certify locations that it newly served or upgraded with broadband during 2017. First, the 2018 reporting requirement in the HUBB was the first time that ASTAC experienced using the HUBB portal for filings and the first time staff encountered the need to pull newly served locations from its database in order to report them for the 2018 deadline. ASTAC maintains that strict compliance to the 2018 deadline for 2017 data would be overly burdensome for ASTAC because the company would not be able to certify the 366 broadband locations it activated in 2017.

Second, ASTAC's request for a waiver of the reporting deadline for 2018 for locations available in 2017 is not an overly broad request but a narrow request for a waiver to allow the company to certify 366 locations available to customers in 2017. Moreover, ASTAC's request for a waiver of the 2018 reporting deadline will not hinder the current offered broadband service or prevent deployment of future broadband to customers in the area since ASTAC has already built facilities for broadband services to these 366 locations.

Third, ASTAC has timely initiated this Petition for Waiver of the 2018 deadline since it only realized as it was preparing to file its 2018 data in the HUBB by March 1, 2019 that it had inconsistencies in the reporting data that omitted the reporting of 366 locations available in 2017

by the 2018 deadline. Upon realizing its omission, ASTAC immediately reported the 366 locations in the HUBB, which the HUBB saved but did not certify since ASTAC reported the 2017 locations late. ASTAC then undertook steps to prepare and file the instant Petition for Waiver of the 2018 HUBB reporting deadline as quickly as possible in order to be able to certify the 366 locations reported late but available in 2017.

Fourth, the Commission should grant ASTAC's Petition for Waiver of the 2018 deadline for reporting 2017 broadband deployment data to allow the company to certify the 366 locations as a matter of equity. ASTAC has already used portions of its Alaska Plan funds to deploy broadband service to 366 locations in furtherance of its Alaska Plan obligations and the Commission's overall goal of deploying broadband to rural areas. It would be inequitable for the Commission to not grant the waiver of the 2018 HUBB reporting deadline and render ASTAC unable to certify the 366 locations despite having expended vital infrastructure funds to extend broadband to 366 locations.

Fifth, the requested waiver will not impair the Commission's or the Universal Service Administrative Company's ("USAC") ability to administer the federal support for participants of the Alaska Plan or other High Cost plans. To the contrary, by allowing a waiver of the 2018 reporting deadline in the HUBB for locations made available in 2017 by ASTAC, the Commission and USAC will be better able to administer the federal support for ASTAC and all companies receiving support in general. In addition, the waiver will allow the Commission and USAC a better opportunity to ensure that the ASTAC is using the support to deploy high-speed broadband according to its Alaska Plan performance obligations.

Lastly, it is in the public interest that the HUBB location reporting information be the most current and correct information available so that the Commission and USAC can monitor the

deployment of broadband throughout the United States and ensure that carriers deploying broadband are using the support properly. With the most accurate reporting information filed in the HUBB, the Commission and USAC will have the best opportunity to administer the Alaska Plan funds and other High Cost funds. It is in the public interest for companies to correct data previously reported when it is necessary to do so.

WHEREFORE, ASTAC respectfully requests that the Commission to waive the 2018 deadline established pursuant to Section 54.316(c) to allow ASTAC to certify its locations that it newly served or upgraded with broadband during 2017.

Respectfully submitted,

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