

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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

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**BLACKFOOT TELEPHONE COOPERATIVE, INC. AND  
FREMONT TELCOM COMPANY  
REQUEST FOR LIMITED WAIVER OF MARCH 1, 2018 DEADLINE FOR  
CERTIFYING BROADBAND LOCATIONS IN THE  
HIGH COST UNIVERSAL BROADBAND SYSTEM FOR ALTERNATIVE CONNECT  
AMERICA COST MODEL FUNDING**

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April 25, 2019

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## Summary

Blackfoot Telephone Cooperative, Inc. and Fremont Telcom Company (collectively “Blackfoot”) diligently took action to prepare for submission and certification of broadband locations deployed in 2017 into the High Cost Universal Broadband (“HUBB”) system prior to the deadline of March 1, 2018. Indeed, Blackfoot certified these locations almost two weeks prior to the deadline. Unknown to Blackfoot, however, until after the March 1, 2018 deadline and the allotted grace period for certifying broadband locations without loss of Alternative Connect American Cost Model (“A-CAM”) funding, the HUBB system did not register the 2018 certification despite the confirmation screen that Blackfoot’s certifying officer and another employee observed following the certification. When the Universal Service Administrative Company (“USAC”) notified Blackfoot that the broadband locations were not certified by the March 1, 2018 deadline or within the grace period, Blackfoot learned that the certifying officer’s access to and entitlements in the HUBB system somehow had been removed, causing further delay in re-submitting the certification of the 2017 broadband locations.

Almost a year after having made the 2018 certification, Blackfoot’s A-CAM support was reduced by seven days of support based on the Commission’s Rule Section 54.316(c)(1)(i). Blackfoot has appealed this decision to USAC, but out of an abundance of caution and to the extent necessary, Blackfoot hereby requests a waiver of the deadline in Rule Section 54.316(c)(1) and the penalty in Rule Section 54.316(c)(1)(i), accepting its HUBB certification as having been certified by the March 1, 2018 deadline. Good cause and the special circumstances in this case justify the requested relief. If USAC does not reverse its decision on appeal, then the Commission must grant a waiver of the certification deadline to ensure that no injustice is worked by causing Blackfoot to lose A-CAM support as a result system problems beyond Blackfoot’s control when Blackfoot had undertaken substantial and reasonable efforts to comply with the applicable reporting deadline.

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Blackfoot Telephone Cooperative, Inc. and Fremont Telcom Company (collectively “Blackfoot”), pursuant to Section 1.3 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”),<sup>1</sup> out of an abundance of caution and to the extent necessary, hereby request a limited waiver of the March 1, 2018 deadline for certifying broadband locations in the High Cost Universal Broadband (“HUBB”) system for Alternative Connect American Cost Model (“A-CAM”) for locations deployed in 2017 and funding received in 2019 (“Waiver Request”). Specifically, Blackfoot requests that the Commission waive the deadline in FCC Rule Section 54.316(c)(1), which states that with regard to broadband deployment reporting and certifications set forth in FCC Rule Sections 54.316(a) and (b),<sup>2</sup> “rate-of-return carriers must submit the annual reporting information required by March 1, as described in paragraphs (a) and (b) of this section...”<sup>3</sup> Blackfoot also requests that the FCC

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> 47 C.F.R. § 54.316(a) and (b).

<sup>3</sup> 47 C.F.R. § 54.316(c)(1).

waive the penalty in FCC Rule Section 54.316(c)(1)(i), which states that “[a]n eligible telecommunications carrier that files after the March 1 deadline, but by March 8, will have its support reduced in an amount equivalent to seven days in support.”<sup>4</sup> Blackfoot requests that the Commission accept *nunc pro tunc* the broadband location data certified in 2018 as reported and certified by March 1, 2018.<sup>5</sup>

As explained in greater detail below, Blackfoot is simultaneously submitting a letter of appeal (“Appeal”) to the Universal Service Administrative Company (“USAC”), a copy of which it attached as Exhibit A, requesting that USAC reverse its decision to reduce Blackfoot’s support because the basis on which USAC reduced the A-CAM support disbursements to Blackfoot is factually incorrect. In 2018, Blackfoot timely reported and certified broadband locations deployed in 2017, but apparent errors in the USAC HUBB and e-file systems caused Blackfoot to have to re-certify the broadband location data that had been uploaded into the HUBB system and timely certified prior to the March 1, 2018 deadline. As a result of these USAC system errors, the re-certification of the broadband location data was not completed until March 8, 2018, four days after the grace period by which rate-or-return carriers had to submit and certify such data in order to receive the full amount of A-CAM support. Blackfoot continues to believe that resolution of this matter is appropriately one to be handled by USAC. Due to the uncertainty, however, of whether USAC will address this matter on appeal, and the fact that an appeal to USAC or a waiver request to the Commission both must be submitted within 60 days after a

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<sup>4</sup> 47 C.F.R. § 54.316(c)(1)(i).

<sup>5</sup> In the alternative, Blackfoot requests that the Commission accept the broadband locations for 2017 as having been reported and certified no later than March 4, 2018, which was the applicable grace period that would not result in a reduction of support pursuant to FCC Rule Section 54.316(c)(1)(iii). *See* 54 C.F.R. § 54.316(c)(1)(iii).

USAC decision, which in this case was the disbursement of reduced A-CAM funding, Blackfoot is filing this Waiver Request out of an abundance of caution, and to the extent necessary.

## **I. Introduction and Background**

On February 26, 2019, Blackfoot received a High Cost Remittance Statement from USAC for the month of January 2019 (Exhibit A1: February 26 Remittance Statement). Blackfoot discovered that the \$766,948.37 A-CAM disbursement for Blackfoot Telephone Cooperative, Inc. was significantly lower than its regular disbursement amount of \$990,642, a difference of \$223,693.29, and that the \$95,630.97 A-CAM disbursement for Fremont Telcom Co. was significantly lower than its regular disbursement amount of \$123,523.33, a difference of \$27,892.36. The total amount of reductions in A-CAM support was \$251,585.65 (“A-CAM Reduction”).

On March 11, 2019, Michelle Owens, Regulatory Specialist/Paralegal for Blackfoot, contacted USAC, to inquire why the A-CAM disbursement amount for the month of January 2019 was smaller than expected (Exhibit A2: March 11-13, 2019 Email Correspondence with USAC Strings 1-4). On March 13, 2019, a USAC representative for the High Cost Support Team (Tanya) responded, stating that the reduction in support was related to a filing that was due on March 1, 2018, and which USAC maintained had not been certified until March 8, 2018, resulting in Blackfoot having lost seven days of support (Exhibit A2: March 11-13, 2019 Email Correspondence with USAC Strings 1-4). This email response from USAC led to a series of emails between Ms. Owens and various USAC High Cost support team members about how Blackfoot could dispute the A-CAM Reduction.

Blackfoot did not receive any notice or decision from USAC that its A-CAM support would be reduced as a result of these 2018 certification issues, and only learned about the

reduction of A-CAM support when Blackfoot received the February 26 High Cost Remittance Statement. Blackfoot disagrees with the basis on which USAC has reduced the total disbursement of A-CAM support by seven days based on the 2018 reporting and certification of broadband locations deployed in 2017. Blackfoot's 2018 reporting and certification of broadband locations deployed in 2017 was not late, but rather Blackfoot was forced to re-certify data that had been timely certified prior to the March 1, 2018 deadline as a result of apparent malfunctions in USAC's HUBB system, as well as other problems that Blackfoot experienced with USAC's e-file system, and which were seemingly caused by USAC. As a result of these various USAC system errors, Blackfoot's 2018 certification of the broadband locations deployed in 2017 was not accepted and recognized by USAC until March 8, 2018. This certification was four days after the grace period by which rate-of-return carriers had to submit and certify such broadband deployment data in order to receive the full amount of A-CAM support.

Blackfoot has requested that USAC reverse the A-CAM Reduction, and that USAC issue the full amount of A-CAM support that should have been issued based on a timely filing and certification of broadband locations deployed in 2017. The automatic reduction of A-CAM support based on the FCC rules, specifically 47 C.F.R. § 54.316(c)(1)(i), is not supported by the facts. Out of an abundance of caution and to the extent necessary, however, Blackfoot also requests that the Commission waive the March 1, 2018 deadline and the penalty in Rule Section 54.316(c)(1)(i), accepting Blackfoot's certification of locations as timely certified.

## **II. Summary of Facts**

In January 2018, pursuant to the direction of Jason Williams, CEO of Blackfoot, Ms. Owens provided Mr. Williams with detailed instructions on how to establish Aaron Neilson as a certifying officer for various USAC systems. At that time, Mr. Neilson was the Vice President-

General Counsel of Blackfoot. Prior to February 16, 2018, Mr. Williams completed the USAC procedures to establish Mr. Neilson as a certifying officer for a number of USAC systems, including the HUBB system. (Exhibit A3: January 26, 2018 Email from Michelle Owens to Jason Williams). Also prior to February 16, 2018, Mr. Neilson accessed the USAC e-file system, making sure he was able to access the Lifeline, Form 481, and HUBB systems.

Between February 5, 2018 and February 13, 2018, Ms. Owens uploaded all broadband location files into the HUBB system in preparation for the March 1, 2018 filing deadline for certification of broadband locations deployed in 2017. (Exhibit A4: HUBB Screenshot of A-CAM Broadband Locations). The total number of locations uploaded was 475. On February 15, 2018, Ms. Owens emailed Mr. Neilson to advise him that the broadband locations uploaded in the HUBB system were ready for his certification. (Exhibit A5: February 15, 2018 Email from Michelle Owens to Aaron Neilson). Following that email to Mr. Neilson, Ms. Owens scheduled a meeting with Mr. Neilson for February 16, 2018, during which Mr. Neilson would log in to the USAC e-file system and the HUBB system with guidance from Ms. Owens in order to certify the broadband locations already uploaded into the HUBB. (Exhibit A6: Email invitation from Ms. Owens to Mr. Neilson for February 16, 2018 regarding the HUBB filing certification).

On February 16, 2018, Ms. Owens met with Mr. Neilson in his office at 2:00 pm, Mountain Time, at which time Mr. Neilson logged into USAC's e-file and HUBB systems. Mr. Neilson checked the box that was required to certify all locations at one time. The certification was submitted and both Mr. Neilson and Ms. Owens observed that a confirmation screen popped up. Anticipating that the USAC e-file and HUBB systems would send an email confirming the certification, Mr. Neilson did not print the HUBB confirmation screen, and neither Mr. Neilson nor Ms. Owens wrote down the confirmation number that was included in the confirmation



screen.<sup>6</sup> Neither Mr. Neilson nor Ms. Owens received a confirmation email from USAC regarding the certification made in the HUBB on that day, and Blackfoot is not aware of receiving any such confirmations in connection with other similar USAC certifications in the HUBB system.<sup>7</sup> Mr. Neilson and Ms. Owens have prepared affidavits affirming what transpired on February 16, 2018, as explained herein, with regard to the 2018 HUBB certification for the broadband locations deployed in 2017. (Exhibit A7: Affidavits of Aaron Neilson and Michelle Owens).

On March 1, 2018, Ms. Owens cancelled the calendar reminder about the March 1, 2018 HUBB filing because the HUBB certification had been made on February 16, 2018. (Exhibit A8: March 1, 2018 Email cancellation of March 1, 2018 HUBB filing reminder). Also, in a March 1, 2018 email to Mr. Neilson regarding the status of a number of regulatory matters, Ms. Owens reported that the 2018 HUBB certification filing had been completed within the past two weeks, consistent with the February 16, 2018 filing. (Exhibit A9: March 1, 2018 Email from Michelle Owens to Aaron Neilson).

On March 5, 2018, Sharon from USAC called Ms. Owens and left a message that Blackfoot had missed the HUBB certification deadline. Ms. Owens was out of the office on March 5, 2018 and March 6, 2018. When Ms. Owens returned to the office on March 7, 2018, she discovered that Mr. Neilson no longer had access to the HUBB system. (Exhibit A10: Email

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<sup>6</sup> There is no mention in the HUBB User Guide that certifying officers must print or otherwise preserve a copy of a HUBB certification.

<sup>7</sup> Blackfoot's Information Technology ("IT") department has been unable to locate any emails from USAC on February 16, 2018, or indicating confirmation from the HUBB system for the submission of the certification for the broadband locations. Similarly, Blackfoot's IT department has not found any emails to Mr. Neilson following when the broadband locations were re-certified on March 8, 2018, or to Dave Martin, the current Blackfoot certifying officer for other broadband location filings in the HUBB system, specifically when Mr. Martin made a "no locations" certification in the HUBB system on March 6, 2019.

from Aaron Neilson to Michelle Owens with attachment of screen shot of the USAC e-file access for Aaron Neilson showing that HUBB system access was missing). Ms. Owens emailed USAC on March 7, 2018, and explained that while Mr. Neilson had been able to successfully access the HUBB system on February 16, 2018, he was no longer able to do so. She noted that Mr. Neilson had been having some issues with his log in permissions in the USAC e-file systems, and that she had spoken with Sam Clark at USAC on February 16, 2018, related to other e-file access issues specific to the National Lifeline Accountability Database and the claims system. Ms. Owens noted further that she did not receive a return call from USAC about this, commenting that she did not know if these other e-file issues were related to this HUBB issue, but she questioned whether these other e-file access issues could be related to the HUBB access issue. Importantly, Ms. Owens emphasized that Blackfoot thought the HUBB certifications were completed on February 16, 2018, but noted that the HUBB system was showing the locations that had been uploaded as no longer certified. Ms. Owens requested that USAC make sure that Mr. Neilson had access to certify as an officer in the HUBB and 481 systems, and specifically that USAC advise what Blackfoot needed to do to make sure the filing that had been made on February 16, 2018 was recognized as timely certified. (Exhibit A11: March 7, 2018 Email from Michelle Owens to USAC/HC Questions).

On March 8, 2018, Elizabeth from USAC emailed Ms. Owens, stating that it appeared that Mr. Neilson did not have the correct entitlement for accessing the HUBB system, but that USAC would get him added and follow up with Blackfoot promptly. (Exhibit A12: March 8, 2018 8:01 am Email from USAC (Elizabeth) to Michelle Owens). Later that day Elizabeth from USAC emailed Ms. Owens and advised that USAC had updated Mr. Neilson's entitlements so that he should be able to certify then. (Exhibit A13: March 8, 2018 1:05 pm Email from USAC

(Elizabeth) to Michelle Owens). There was no response to or acknowledgment from USAC regarding Ms. Owens' request for guidance on what action was needed to ensure that the certification filing that had been made on February 16, 2018 was recognized as timely.

Ms. Owens notified Mr. Neilson on March 8, 2018, following the update from USAC, that his entitlements had been corrected and that he could access the HUBB system. (Exhibit A14: March 8, 2018 Email from Michelle Owens to Aaron Neilson). That afternoon, Mr. Neilson accessed the HUBB system and re-submitted the certification of all broadband locations that had been uploaded related to the 2017 deployment. This time Mr. Neilson missed the button to certify all locations at one time and he had to certify all broadband locations in groups of 10. (Exhibit A15: March 8, 2018 Screen Shots of HUBB Re-Certifications).

It was not until the March 11, 2019 and March 13, 2019 correspondence between Ms. Owens and USAC, following Blackfoot's receipt of the February 26, 2019 High Cost Remittance Statement from USAC for the month of January 2019, that Blackfoot became aware that the HUBB certification and entitlement issues that it addressed in March of 2018 had triggered a reduction in A-CAM support. (Exhibit A2: March 11-13, 2019 Email Correspondence with USAC Strings 1-5). In the further correspondence with USAC on March 13, 2019, Ms. Owens explained that there had been a filing issue due to a problem with the HUBB system and permissions for the certifying officer, and noted that Blackfoot had been working with USAC to resolve the permissions issues. Ms. Owens asked what steps Blackfoot needed to take to dispute the reduction. The USAC representative (Tanya) responding to this question maintained that Blackfoot had to file a request for a waiver of FCC rules, explaining that parties that are seeking a waiver of FCC rules or that have filed an appeal with USAC and have received a decision may appeal USAC's decision to the FCC, and that an appeal to the FCC must be submitted within 60

days of the date when USAC issued the decision. Ms. Owens also asked how Blackfoot would have known when USAC issued a decision because the first notice of there being a problem was with the reduced payment. USAC responded that there was no notice to carriers on the basis that carriers were aware if they were late and that there were penalties associated with late filings, and that the date of disbursement triggered the 60-day time period for the filing of a waiver or appeal with the FCC.

Ms. Owens emphasized that Blackfoot was not aware that its 2018 HUBB certification was late, as indicated in Ms. Owens' March 7, 2018 email with USAC, but rather that Blackfoot believed the certification of broadband locations deployed in 2017 had been completed on February 16, 2018. She also reminded USAC that Blackfoot was not aware until March 7, 2018 that there had been an entitlements issue or a HUBB system issue that apparently resulted in the 2018 HUBB certification failing, and further that USAC did not resolve the entitlements issue until March 8, 2018, which is when Blackfoot was able to re-submit the 2018 HUBB certification. Ms. Owens also expressed confusion based on USAC's responses, believing that Blackfoot must appeal first with USAC, but being unclear about how to appeal with USAC to obtain a decision. The USAC representative (now Eric O.) stated that USAC has no ability to waive penalties for late filings required by FCC rules, and therefore Blackfoot must appeal directly to the FCC. (Exhibit A2: March 11-13, 2019 Email Correspondence with USAC Strings 1-2).

### **III. Appeal to USAC**

Blackfoot requested that USAC reverse the A-CAM Reduction and promptly issue to Blackfoot the full amount of A-CAM support on the basis that Blackfoot timely filed and certified the broadband locations that had been deployed in 2017 prior to the March 1, 2018

deadline. The correspondence between Blackfoot and USAC summarized herein, along with the supporting affidavits of Mr. Neilson and Ms. Owens with regard to the HUBB certification on February 16, 2018, demonstrate there has been a mistake of fact on USAC's part with regard to the timely submission and certification of broadband locations deployed in 2017 prior to the March 1, 2018 certification deadline. Although Blackfoot is not privy to the inner workings of the e-file and HUBB systems to know exactly what went wrong after Blackfoot certified the broadband locations on February 16, 2018, it is clear to Blackfoot that errors must have occurred in USAC's systems. Blackfoot suspects that the issues it was having in getting access to various USAC systems other than the HUBB system for Mr. Neilson and others within the company, as well as getting proper entitlements on those systems, might be related to the HUBB certification made on February 16, 2018 not having registered on USAC's end, or possibly even having been undone on USAC's end after the certification was completed that day.

In sum, as documented herein, Blackfoot timely certified the broadband locations deployed in 2017 prior to the March 1, 2018 deadline. The imposition of a reduction in support based on what USAC has perceived as a late certification is nothing more than a mistake of fact related to problems with USAC's HUBB and e-file systems, not failures on Blackfoot's part. While Blackfoot believes the resolution of this matter is appropriately one to be handled by USAC in light of the facts, Blackfoot also is requesting a waiver of the Commission's rules regarding the March 1, 2018 deadline for reporting and certifying broadband deployment locations, as well as the penalty in Rule Section 54.316(c)(1)(i), out of an abundance of caution and to the extent necessary.

#### **IV. Grant of the Requested Limited Waiver Is Warranted and Would Serve the Public Interest.**

Pursuant to Section 1.3 of its rules, the Commission may waive any provision of the rules for good cause shown or where, due to special circumstances, deviation from a rule would better serve the public interest and the Commission's purposes than strict enforcement of the rule.<sup>8</sup> In Blackfoot's case, (i) there is good cause to grant the requested limited waiver and accept the reporting and certification of broadband location data *nunc pro tunc* as having been received by the March 1, 2018 deadline, (ii) special circumstances warrant deviation from the rule, and (iii) strict enforcement would not serve the public interest.

##### **A. Good Cause Exists for Grant of the Requested Limited Waiver and Acceptance of the Reported and Certified Broadband Location Data *Nunc Pro Tunc* as Received by the March 1, 2018 Deadline.**

Blackfoot undertook substantial and reasonable efforts to diligently comply with the requirements for reporting and certifying broadband location data in the HUBB system by the March 1, 2018 deadline ("March 1 Deadline"). Blackfoot took appropriate and timely steps to ensure that its certifying officer, Mr. Neilson, was set up in the USAC e-file and HUBB systems far in advance of the March 1 Deadline. Blackfoot also had uploaded all broadband locations deployed in 2017 in the HUBB system well in advance of the March 1 Deadline. Mr. Neilson and Blackfoot's Regulatory Specialist/Paralegal, Ms. Owens, have attested that the broadband locations deployed in 2017 were reported and certified in the HUBB system on February 16, 2018.

Due to apparent errors in USAC's e-file and HUBB systems, however, the broadband locations that had been certified on February 16, 2018 did not register as having been certified,

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<sup>8</sup> See 47 C.F.R. § 1.3; *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied* 409 U.S. 1027 (1972)).

and this was not discovered until Ms. Owens returned to the office on March 7, 2018, which is also when Blackfoot discovered that Mr. Neilson no longer had access to or entitlements in the HUBB system. Finally, USAC did not rectify Mr. Neilson's access to and entitlements in the HUBB system until March 8, 2018. Any delay in Blackfoot's certification of the broadband locations deployed in 2017 for the March 1 Deadline was due to problems with USAC's HUBB system accepting the broadband locations as having been certified, and with USAC's apparent removal of Mr. Neilson's access to and entitlements in the HUBB system, which was not rectified until four days after the day grace period by which carriers had to certify their broadband locations.

Accordingly, there is good cause to grant the requested waiver and acceptance of the reported and certified broadband location data *nunc pro tunc* as having been received by the March 1 Deadline. Without the grant of the waiver and acceptance of the broadband data reported and certified *nunc pro tunc* as having been received by the March 1 Deadline, Blackfoot would be penalized for USAC's system errors and improper removal of the HUBB entitlements of Blackfoot's certifying officer. Granting the requested relief also will serve the public interest by ensuring that carriers that comply with the Commission's rules receive the A-CAM funding to which they are entitled. The public will not be harmed by granting the requested relief.

**B. Special Circumstances Warrant Deviation from the Commission's Rules to Accept the Broadband Location Data Reported and Certified *Nunc Pro Tunc* as Received by the March 1, 2108 Deadline.**

The Commission may waive any provision of the rules where, due to special circumstances, deviation from a rule would better serve the public interest and the Commission's

purposes than strict enforcement of the rule.<sup>9</sup> The FCC also may take into account considerations of hardship, among other factors, when determining whether to grant a waiver.<sup>10</sup> In Blackfoot's case, Blackfoot has been penalized because of apparent errors in the USAC HUBB system that resulted in USAC's failure to accept Blackfoot's February 16, 2018 certification of the broadband locations deployed in 2017. The USAC error was compounded when Mr. Neilson's access to and entitlements in the HUBB system were somehow improperly removed by USAC after Mr. Neilson made the HUBB certification on February 16, 2018. As a result of the multiple errors in USAC's systems, none of which were caused by Blackfoot, and to which Blackfoot did not contribute, USAC did not remit to Blackfoot seven days of A-CAM funding, amounting to a reduction totaling \$251,585.65. The apparent errors in the USAC systems and Blackfoot's diligent efforts to comply with the reporting deadline are special circumstances that warrant grant of relief. It would be harsh and inequitable to penalize Blackfoot under these circumstances.

**C. Strict Compliance Is Contrary to the Public Interest and Would Cause Undue Hardship.**

Strict enforcement of the requirements of Section 54.316(c)(1)(i) and a denial of Blackfoot's requested limited waiver would not serve the public interest. Blackfoot's need to re-submit the certification of the broadband location data after the March 1 Deadline was caused by an error in USAC's HUBB system. Blackfoot's re-submission of the certification of the broadband location data on March 8, 2018, four days after the grace period allowed under the Commission's rules in order to receive full A-CAM support without reduction, was caused by

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<sup>9</sup> See 47 C.F.R. § 1.3; *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied* 409 U.S. 1027 (1972)).

<sup>10</sup> See *Wait Radio v. FCC*, 418 F.2d at 1159.



USAC's improper removal of Mr. Neilson's entitlements in the HUBB system. Absent the error in USAC's HUBB system and USAC's improper removal of Mr. Neilson's HUBB entitlements, Blackfoot would have no need to submit this Waiver Request. The loss of more than a quarter million dollars in A-CAM support is an undue hardship to which Blackfoot should not be subjected. USAC's application of the Commission's Rule Section 54.316(c)(1)(i) is improper since it was USAC's systems errors and improper actions in removing access and entitlements to the HUBB system that triggered the application of the reduction in support rule. Moreover, imposition of this penalty due to USAC system errors negatively impacts Blackfoot's investments in broadband deployment in rural Montana. The public interest warrants that all the A-CAM support be disbursed to Blackfoot, consistent with its compliance reporting and certification.

## **V. Conclusion**

Blackfoot timely certified the broadband locations deployed in 2017, as described herein. If USAC does not rectify this matter on appeal and issue full amount of support to Blackfoot, then Commission must act to prevent an unjust application of the Commission's rules by granting Blackfoot a limited waiver of Rule Sections 54.316(c)(1) and 54.316(c)(1)(i) to treat the broadband locations deployed in 2017 as having been timely certified by the March 1, 2018

deadline, or to take such other action as may be appropriate to ensure that the amount of the A-CAM Reduction is disbursed to Blackfoot by USAC.

Respectfully submitted,



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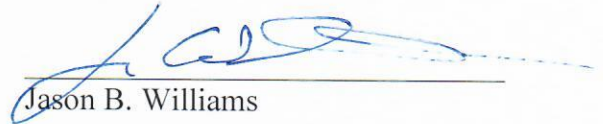
*and Fremont Telcom Co.*

April 25, 2019

Declaration of Jason B. Williams

I, Jason B. Williams, do hereby declare under penalty of perjury the following:

1. I am Chief Executive Office of Blackfoot Telephone Cooperative, Inc. and Fremont Telecom Company ("Blackfoot").
2. I have read the foregoing Request For Limited Waiver of March 1, 2018 Deadline For Certifying Broadband Locations In The High Cost Universal Broadband System For Alternative Connect America Cost Model Funding ("Waiver Request"), and after due inquiry believe the information therein to be true and accurate.



Jason B. Williams

Dated: April 25, 2019