

**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
COPPER VALLEY TELEPHONE COOPERATIVE, INC.
OF THE 2018 HUBB PORTAL FILING DEADLINE**

Copper Valley Telephone Cooperative, Inc. (“Copper Valley” or “CVT”) hereby requests a waiver of 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. The 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 pursuant to Section 54.316 to allow Copper Valley to report and certify locations that it newly served or upgraded with broadband service during 2017.

Copper Valley is a rural incumbent local exchange carrier (“RLEC”) that serves remote regions in rural Alaska. Copper Valley 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. In 2017, Copper Valley completed a fiber—to—the—home (“FTTH”) project in Valdez, Alaska, that deployed high speed broadband to 1372 locations meeting Copper Valley’s Alaska Plan performance obligations. However, in preparation for the most recent HUBB filing for March 1, 2019, Copper Valley discovered some data base inconsistencies that required reconciliation and adjustments to data in its initial 2018 filing. First, CVT discovered some embedded systematic errors with the process of how the new locations to be reported were pulled from the user data base in the initial filing. CVT has diagnosed that the genesis for the problem stemmed from the outside plant mapping program that was being used by Copper Valley. The CVT team has worked with great diligence to ensure that the remediation of the user data base procedures was thorough and protocols have been implemented that will prevent future issues of this nature from occurring. CVT is confident this has been accomplished, including the start of a transition to a new data base system. The number of locations that were not able to be reported without this timing waiver totals 1372 locations. When Copper Valley realized the omission of 2017 data in its 2018 certification in the HUBB, Copper Valley reported and saved the 1372 locations from 2017 in the HUBB. However, since Copper Valley reported the 1372 locations from 2017 after the 2018 reporting deadline for reporting 2017 data, the HUBB does not list these locations as certified.

Copper Valley requests that the Commission grant a waiver for the 2018 filing deadline that was set as part of implementation of Section 54.316 of the Commission’s rules. A waiver of

the 2018 deadline for 2017 data will allow Copper Valley's 1372 newly served or upgraded broadband locations deployed in the Valdez area and reported late in the HUBB to be certified. The grant of the instant waiver request will enable the 1372 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.

Here, good cause exists for Copper Valley'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 Copper Valley experienced using the HUBB portal for filings. Copper Valley maintains that strict compliance to the 2018 deadline for 2017 data would be overly burdensome for Copper Valley because the company would not be able to certify the 1372 broadband locations it deployed in 2017.

Second, Copper Valley's request for a waiver of the reporting deadline of 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 1372 locations available to customers in 2017. Moreover, Copper Valley'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 Copper Valley has already built facilities for FTTH to these 1372 locations in Valdez.

Third, Copper Valley has timely initiated this Petition for Waiver of the 2018 deadline since it only recently realized as it was preparing to upload and certify its 2018 data in the HUBB by March 1, 2019 that it had inadvertently omitted reporting the 1372 locations deployed in 2017 by the 2018 deadline. Upon realizing its omission, Copper Valley immediately reported the 1372 locations in the HUBB, which the HUBB saved but did not certify since Copper Valley reported the 2017 locations late. Copper Valley then undertook steps to prepare and file this instant Petition for Waiver of the 2018 HUBB reporting deadline in order to be able to certify the 1372 locations reported late but deployed in 2017.

Fourth, the Commission should grant Copper Valley's Petition for Waiver of the 2018 deadline for reporting 2017 broadband deployment data to allow the company to certify the 1372 locations as a matter of equity. Copper Valley has already used portions of its Alaska Plan funds to deploy FTTH to 1372 locations in Valdez 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 Copper Valley unable to certify the 1372 locations despite having expended the appropriate and necessary funds to deploy FTTH to 1372 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 deployed in 2017 by Copper Valley, the Commission and USAC will be better able to administer the federal support for Copper Valley and all

companies receiving support in general. In addition, the waiver will allow the Commission and USAC a better opportunity to ensure that the Copper Valley 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, Copper Valley respectfully requests that the Commission to waive the 2018 deadline established pursuant to Section 54.316 to allow Copper Valley to certify its locations that it newly served or upgraded with broadband during 2017.

Respectfully submitted,

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