

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

In the Matter of)	
)	
Request for Waiver of)	
Special Construction Service Delivery Deadline)	
LAKE ED SERVICE DISTRICT)	
Schools and Libraries Universal Service)	CC Docket Nos. <u>02-6</u>
Support Mechanism)	

**REQUEST FOR A WAIVER OF THE COMMISSION'S RULES BY LAKE ED SERVICE
DISTRICT FOR THE SERVICE DELIVERY DEADLINE OF A FUNDING YEAR 2017 LIT
FIBER SPECIAL CONSTRUCTION FUNDING REQUEST**

Date	May 1, 2019
Appellant/Organization Name	LAKE ED SERVICE DISTRICT
Funding Year	2017
Entity Number	145063
FCC Form 471 Number	171010729
Funding Request Number	1799036540
Service Delivery Deadline	6/30/2019
Invoice Deadline	10/28/2019

In accordance with sections 54.719 and 1.3 of the Commission's rules, LAKE ED SERVICE DISTRICT (“Lake County ESD” or “Applicant”) requests the Federal Communications Commission’s (“FCC” or “Commission”) to grant a Waiver of the Commission’s rules for the service delivery deadline for special construction for lit fiber services for the betterment of the public’s interest and/or due to extraordinary circumstances.

BACKGROUND

As an Educational Service District consortium applicant operating in Southeastern Oregon, LAKE COUNTY ESD is operating in one of the most rural and underserved areas in the State.¹ In its role as consortium lead, LAKE COUNTY ESD applies for E-rate funding on behalf of all public K-12 schools throughout the small rural communities in Lake County, Oregon.² Most of the schools receive internet services by way of a fiber optic line; only the schools of Plush and Adel remain on substandard connections. More recently, opportunities to work with competitive providers in the region have allowed LAKE COUNTY ESD to work toward funding cutting-edge, robust fiber optic broadband connections to these rural locations. The fiber connections currently in the other three school districts allow member schools to utilize a level of connectivity that is competitive with the urban/large metro hubs throughout the region, and have the potential to level the educational playing field.

The funding request under review in this Request for Waiver is for special construction of lit fiber services for Adel School District #21 and Plush School District #18. The school locations served by this District are located in very rural mountainous areas Southeastern Lake County, close to the Oregon and California border.³ Adel School is 35 miles away from the next larger town, while Plush School is 45 miles away. While these districts have a small student count, their needs remain the same as any other district, especially as technology is integrated into the curriculum and classroom more and more. Until

¹ https://en.wikipedia.org/wiki/Lake_County,_Oregon

² <http://lakeesd.schooldesk.net/>

³ [https://en.wikipedia.org/wiki/Adel,_Oregon](https://en.wikipedia.org/wiki/Adel,_Oregon;); https://en.wikipedia.org/wiki/Plush,_Oregon

January 2018, they both used a T-1 line (1.54 mbps) through CenturyLink. Adel School was able to change over to a wireless internet connection through a cell phone company in 2018; however, Plush School was not. The Incumbent Provider (CenturyLink) had notified LAKE COUNTY ESD that frame relay service would be phased out effective July 1, 2017. While we were able to change to a point to point system with CenturyLink to continue internet service for Plush School at the same insufficient bandwidth level (1.54 mbps), our request to add circuits and bandwidth to the connection were unable to be granted (see Exhibit D) because of the outdated infrastructure in the area. CenturyLink has shown no interest in updating their network in this area. The capabilities of both school districts will always be limited on their current networks. Moreover, CenturyLink is the only internet service provider in the area and there is no cell phone coverage in the Plush area, thereby removing the option of hot spot internet service for that school district. Residents in the Plush area have also stated that satellite internet service is inadequate for personal use, much less for a school district. The fiber installation associated with this funding request will allow these woefully underserved schools to keep pace with other districts throughout the Pacific Northwest, regardless of the remote location.

Despite having started the project in late March 2017, 16 months prior to USAC's issuance of the Funding Commitment Decision Letter, the service provider, Hunter Communications, experienced numerous delays and setbacks and will not be able to deliver services until after the current extended service delivery deadline of June 30, 2019. These delays and setbacks were primarily due to the following circumstances:⁴

1. Protracted pole permitting processes with the power company as outlined in *Exhibit B Pole Permitting Process and Timeline*;
2. Environmental and archeological studies due to the locations where construction will occur (e.g., federal jurisdiction and protected biological and riparian habitats);

⁴ See Exhibit A Letter from Hunter Communications

3. Winter weather conditions; and
4. Wildfires.

It is anticipated that the service will be delivered by the end of the calendar year 2019. However, it should be noted that construction may be halted if unanticipated and significant cultural or environmental circumstances are discovered during the construction process.⁵

REQUEST FOR WAIVER

In reviewing the rules establishing the one-time allowable extension of special construction funding requests, it is significant to note that all of the language in the *Second E-rate Modernization Order* pertains to the lighting of dark fiber or self-provisioned networks, and not for lit fiber. For example, the first reference for the single one-time allowable extension is in Paragraph 37:

*To prevent applicants from using E-rate discounts to acquire unneeded capacity or warehouse dark fiber for future use, we maintain the safeguards that the Commission adopted in the Schools and Libraries Sixth Report and Order, and extend those it adopted in the Healthcare Connect Order to E-rate. First, to prevent warehousing of excess fiber capacity, applicants cannot receive E-rate funding for recurring costs associated with dark fiber until it is lit, **and applicants may only receive funding for special construction charges for dark fiber if it is lit within the same funding year.** (emphasis added)*

This is re-iterated in Paragraph 38:

*Because special construction charges for leased dark fiber are now eligible for category one support, applicants seeking support for **special construction for dark fiber** may avail themselves of this limited exception for early construction. In addition, as in the Healthcare Connect Order, we will also allow applicants to receive up to a one-year extension to light fiber if they demonstrate that construction was unavoidably delayed due to weather or other reasons. (emphasis added)*

And then again in Paragraph 49 related to self-provisioned networks:

*Second, as with applicants that seek E-rate support for **dark fiber**, to ensure that we are paying for necessary services, applicants may only receive funding for self-construction if the facilities are built and used within the same funding year. Pursuant to the prohibition against*

⁵ See Exhibit A Letter from Hunter Communications

*reselling service purchased with E-rate discounts, 105 applicants may only receive E-rate support for services that they use. In Section II.B.1, we codified a limited exception to allow funding for special construction charges for projects started up to six months in advance of the funding year, provided the following conditions are met: (1) the construction begins only after selection of the service provider pursuant to a posted FCC Form 470 (or any successor form); (2) a category one recurring service must depend on the installation of the infrastructure; and (3) the actual service start date is after the start of the funding year (July 1). This exception applies to self-construction. **As we do with dark fiber, we will also allow applicants to receive up to a one-year extension of the service start date if they demonstrate that construction was unavoidably delayed due to weather or other reasons.** (emphasis added)*

In reviewing the context of and the actual statements made in the *Second E-rate Modernization Order*, there is no reference to the rules of service delivery and the single allowable one-year extension being applied to special construction of **lit** fiber services. We therefore ask the FCC to reconsider if this rule was intended by the Commission to be applied to lit fiber special construction funding requests.

Should the Commission agree with our perspective that the lit fiber special construction funding request should not be held to the same rules as dark fiber and self-provisioned networks, we ask that the Commission allow for the applicant to receive a service delivery deadline extension on Funding Request Number 1799036540 to June 30, 2020 and the associated invoice deadline of October 28, 2020. We also ask that the applicant be able to request additional extension(s) should they be necessary due to unforeseen circumstances such as the discovery of significant cultural or environmental circumstances.

WAIVER IN THE PUBLIC INTEREST

In the event the Commission does not agree with our assessment that the provisions of the *Second E-rate Modernization Order* should not be applied against lit fiber special construction funding requests, we ask that the Commission waive its rules in the public interest. The schools receiving lit fiber service under this funding request are severely underserved. They are located in some of the most remote locations in the State and serve a high-poverty student population. The diligence shown by the service provider throughout the two-year process to bring service to the schools under extremely difficult circumstances is, we believe, further justification for the waiver. We hope that the FCC will view the

challenges described in this request in the same light as it did for the Waiver Request filed by the Utah Education and Telehealth Network (UETN)⁶ and provide similar relief as it did to UETN.⁷

ALTERNATIVELY, WAIVER FOR EXTRAORDINARY CIRCUMSTANCES

We also ask the Commission to consider the evidence on record in this and UETN's waiver request that a single one-time request for extension of the service delivery deadline for special construction is prohibitive in many instances and should perhaps be revisited. As was the case for us, there are often multiple extenuating and compounding circumstances that may lead to a delay in a project outside of a late-issued funding commitment decision letter or "weather or other reasons." As illustrated in this request, weather was only one component in the delay.

Our project entails installing 45 miles of fiber over the Warner Valley Mountain Range. We received our funding commitment decision letter December 22, 2017, putting us six months in to our funding year, but still within a reasonable timeframe with the one year extension we were granted. As detailed in Exhibit B, our vendor has had great difficulty in securing permits to use utility poles. Surprise Valley Electrification eventually determined that the poles along the selected route were unable to be used because they are both smaller and older than other poles in Lake County that had been used by our vendor in a similar past project. The new route crosses state and federal lands, which are home to the federally protected sage grouse, as detailed in Exhibit A, requiring more time consuming processes be followed. These factors, in addition to the regional natural disasters (e.g. wildfires) and compliance with cultural and environmental federal and state laws related to the sage grouse habitat, all acted in confluence making the project incredibly challenging and required the absolute tenacity of multiple parties to bring to a positive outcome. We are concerned that the strict interpretation of the single one-time extension will be a deterrent to both applicants and service providers in bringing high speed broadband over lit fiber to rural and impoverished communities.

⁶ <https://ecfsapi.fcc.gov/file/102210564507114/UETN%20Daggett%20Waiver%20Petition.pdf>

⁷ DA 18-473 *Utah Education and Telehealth Network Waiver Order*

SUMMARY

LAKE COUNTY ESD asks that the FCC waive its service delivery deadline rules for lit fiber special construction funding request number 1799036540 taking into consideration the statements and other information set forth in this request. We ask that the service delivery deadline be extended to June 30, 2020 and invoice deadline to October 28, 2020 subject to further request for extension, should it be warranted. We believe that this is in the public's interest of providing high-speed scalable broadband services to rural and impoverished schools.

Finally, there is no evidence in the record that LAKE COUNTY ESD engaged in activity intended to defraud or abuse the E-rate program. Denying its request for service delivery extension would create undue hardship and prevent it from receiving E-rate funding for eligible services already paid to the service provider. Accordingly, good cause exists to grant LAKE COUNTY ESD a Waiver of the Commission's rules.

We appreciate your consideration of our request. Any additional questions, concerns or request for additional documentation related to this appeal should be directed to:

Sara Sarensen
Lake County ESD
ssarensen@lakeesd.k12.or.us
541-947-3371

Respectfully submitted,

/s/

Sara Sarensen
Business Manager
357 N L St
Lakeview, OR 97630

Attached Exhibits:

Exhibit A: Letter from Hunter Communications
Exhibit B: Timeline of Permits (Created by Hunter Communications)
Exhibit C: Letter from Past Lake County Commissioner
Exhibit D: Email from CenturyLink
Exhibit E: Letter from United States Dept. of Agriculture
Exhibit F: Letter from Bureau of Land Management
Exhibit G: Letter of Support from Oregon State E-Rate Coordinator
Exhibit H: Letter of Support from Sheldon-Hart National Wildlife Refuge Complex



March 27, 2019

Lake County ESD
Attn: Sara Sarensen
Business Manager
357 N L ST
Lakeview, OR 97630

RE: Request for Waiver of Implementation Deadline for Fiber Special Construction -- LAKE COUNTY ESD,
Adel & Plush School Districts Fiber Project

Dear Sara Sarensen:

Hunter Communications, Inc. ("Hunter") is excited about the opportunity to bring fiber-optic facilities to Adel and Plush, Oregon, to deliver world class Ethernet-transport services connecting schools in the area (Adel & Plush School Districts). Lake County ESD has contracted with Hunter Communications, via RFP process, to build, operate, and maintain fiber infrastructure and services to these schools. Hunter is committed to our relationship with Lake County ESD and looks forward to the opportunity to work together in this endeavor.

Hunter would like to request a timeline extension. To support this, we have provided a summary of the construction conditions of this project, which we feel are unique and challenging to the point where the requested extension is necessary and appropriate. Please see a summarized outline of those details below:

Construction Season

Generally, we run into a window between winter weather conditions and fire season. Both are a concern in this area as mountainous and wooded areas are present. In the winter, Hunter must transport construction equipment from Southern Oregon passing through mountainous areas where snow accumulation can present transportation delays and safety concerns (e.g. Hwy. 140¹). More significantly, our region (Central Oregon to Northern California) has been devastated with one of the most severe fire seasons our region has ever encountered. This has caused problems in numerous ways. Hunter has had setbacks and had to take precautions due to construction crews having to work outside in very unhealthy air quality conditions (the worst in the nation, according to news outlets). We have experienced delays as we have been forced to reallocate resources to perform emergency repairs on miles of fire damaged fiber plant. With regional fires uncontained and danger remaining at extreme levels, we have to be realistic about the conditions in which our crews are working, and additional time to complete the project will be required. Fires constitute a force majeure event, as an act of nature, outside of Hunter's reasonable control.

¹ https://en.wikipedia.org/wiki/Oregon_Route_140

Funding & Material Procurement

Due to issues with the project's funding request and associated review, Hunter did not receive any payments toward the SC portion of the project until January 2019 (began attempting to invoice in April of 2018). This project requires a significant amount of material and equipment to complete (greater than \$500,000 in fiber cable alone), much of which is specialized and has significant lead times for production and delivery. Hunter has been working with numerous vendors on procurement of all required materials and equipment for this project for more than 12 months, but needed to wait until invoices against the SC portion of the project were approved before completing all necessary procurement. Hunter is currently working on finalizing the orders for remaining materials and has been informed that certain materials may have up to a 16 week lead time for production and delivery—Hunter is currently working with vendors to shorten said lead times in order to avoid additional project delays.

Staffing Changes

Hunter's project manager for this build left our employment in November 2018. Project management duties have been reassigned, but there was an unavoidable delay in coordination of various activities associated with the departure and reassignment.

Permitting

In addition to delays caused by the issues noted above, permitting has been the primary impediment to our progress, although we are very close to resolution. This installation has required joint-use permitting to attach to existing power transmission and distribution poles. That process was started and actively pursued since 2017. After pursuing said pole attachment permissions for months on end with no resolution, Hunter finally, very recently, decided to modify the scope of work and install a completely new pole line and/or install fiber optic cable underground in order to get the project moving forward. This scope modification comes at a significant additional cost to Hunter, but we have no intention to seek additional funding from Lake County ESD, nor do we have any attention of abandoning the project in response to the many significant obstacles.

Hunter engineers have commenced all necessary permitting processes for this modified route, but are unsure as to how long the bodies holding jurisdictional authority over the route will take to finalize our approval (e.g. BLM, Oregon Department of Transportation, Lake County, more). This installation is taking place in environmentally and historically sensitive areas and may be subjected to a high level of review from said authorities (e.g. BLM with a consideration of potential issues involving a protected grouse habitat). Hunter is currently working with all said bodies to speedily procure all required permits. To that end, Hunter has a project review call with the regional BLM supervisor (Todd Forbes) scheduled to take place on April 2 at 2:00 pm PST. We hope to have a much clearer picture of a realistic completion timeline for BLM permitting once said meeting takes place. Once all jurisdictional authorities approve the scope (route and construction methods) along the planned route and issue permits, Hunter should be all clear to proceed fully with construction activities. Hunter is currently working on completing all non-permit related construction activities, and will continue to do so while finalizing permits.

While the obstacles are significant and numerous, Hunter is still hopeful and optimistic regarding this project and wholly committed to its completion. We are doing everything we can to move things

forward and activate these much needed services for the schools in question in as timely a fashion as possible.

Please feel free to contact our excellent support team for this project with any questions or additional comments. Please let us know if there is anything we can do to assist in your communications with the FCC, and/or USAC in obtaining necessary approvals and timeline for construction.

Sincerely,



Sam Ackley
Chief Operating Officer

sackley@hunterfiber.com | 541-414-1420

Exhibit B

Permitting Process and Timeline of Events and Actions Taken by Hunter Communications
(provided by Hunter Communications)

The permitting process for this project requires permits from the following:

1. Power Company – Surprise Valley Electrification Corp. (SVEC)
2. United States Forest Service – Fremont-Winema National Forest
3. Bureau of Land Management – Lakeview District
4. State of Oregon – Department of State Lands
5. State of Oregon – Department of Transportation
6. Lake County – Roads Department
7. Private Property Owners – Permission Letters & Easements

Permitting Processes

The Power Company – SVEC

- 1) July 2017 - Pre-engineering inspection of the 650+ poles, most are off the highways or main roads and in easements.
- 2) July 2017 - Documentation of the poles.
- 3) October 2017 - Data processing.
- 4) October 2017 - Analysis of the pole loading which will first show which poles can physically withstand a new attachment of fiber and can be included in the engineered route.
- 5) October 2017 - Selecting a route based on the poles that pass the load study.
- 6) December 2017 - Follow application requirements of the Power Co. and telecom companies who own the poles.
- 7) December 2017 - Submit multiple applications in segments to eliminate having too many poles on one application when the pole count is high.
- 8) January 2018 - Wait for response from the pole owner after they receive the application to inspect and review the application package and associated poles and route.
- 9) July 2018 - Clear up any discrepancies found during that inspection and revise the application to fit an agreeable engineered route from both parties.
- 10) July 2018 - Wait for re-inspection of the revised application.
- 11) December 2018 - SVEC reviewed their own poles and determined they are not suitable to withstand the load of new attachments and equipment due to significant aging and deficiencies already existing, refusing to grant permit unless we replace hundreds of their poles.
- 12) January 2019 - Compare options of a new route placing our own poles in the right-of-way, determined to be faster and more cost effective than going with the power company.

United States Forest Service – Fremont-Winema National Forest

- 1) March 2018 - Analyze property data information from the County and other sources – county only shows 'USA' as owner.
- 2) January 2019 - Complete a SF-299 application document with accompanied maps of the proposed route.
- 3) February 2019 - Wait for response.
- 4) March 2019 - Application has been picked up and will begin review.
- 5) March 2019 - Learn of SVEC permit denial, propose changes and submit new SF299 amendment form, restarting the process with the USFS.
- 6) March 2019 - USFS requests to see ODOT permit for placing poles in the right-of-way before moving forward with anything on this project.

Bureau of Land Management – Lakeview District

BLM land accounts for 1/4 of the total miles of this project.

- 1) March 2018 - Analyze property data information from the County and other sources – county only shows leased party as owner.
- 2) November 2018 - Complete a SF-299 application document with accompanied maps of the proposed route.
- 3) February 2019 - Receive invoice for processing fee before field analysis begins.
- 4) March 2019 - Learn of SVEC permit denial, propose changes and submit new SF299 amendment form, restarting the process with the BLM.
- 5) March 2019 - Learn that Sage Grouse habitat and Visual Resources management will be an extreme issue and will most likely require an Environmental Analysis before permitting which will take much longer than the usual Categorical Exclusion we normally get from BLM.
- 6) March 2019 - Learn that the BLM Realty Specialist is leaving for 4 months on a detail starting April 2019 and nobody is going to act for her job while she's gone.
- 7) March 2019 - Learn that the Realty Specialist's supervisor and somebody acting as Field Manager at this time will attempt to move this project along, meeting to be held April 2, 2019.

State of Oregon – Department of State Lands

- 1) July 2018 - Submit easement application for crossing along with non-refundable application fee.
- 2) August 2018 - Application goes into processing.
- 3) October 2018 - Proposal is put out for public review.
- 4) December 2018 - Application moving forward with no concerns to address from public review.
- 5) January 2019 - Receive another invoice for processing.
- 6) January 2019 - Sign final and executed easement.
- 7) March 2019 - Learn of new route, also crossing state land but in another location. Ask to amend existing easement, receive denial and request to apply for new easement entirely.
- 8) March 2019 - Submit new easement application for new crossing along with non-refundable application fee, restarting the process.

State of Oregon – Department of Transportation

ODOT does not own the Highway 140 Right-of-Way. They lease it from property owners along the route.

- 1) March 2019 - ODOT requests us to get permission from property owners along the Hwy 140 corridor before moving forward with a permit to place our own pole line in the right-of-way.
- 2) March 2019 - ODOT will expedite permits for approved sections.

Lake County – Roads Department

- 1) March 2019 - Submit application for use of the right-of-way for new pole line and fiber optic cable.
- 2) March 2019 - Wait for processing and response.
- 3) March 2019 - Receive approval.

Private Property Owners – Permission Letters and Easements

- 1) January 2018 - Send a field tech to knock on doors to hopefully find somebody face-to-face for asking permission or if they are willing to share their neighbors' contact information.
- 2) March 2018 - Send permission letters to the home addresses of all property owners along the original route. Almost all of the SVEC pole line crosses privately owned property to some extent. Many property owners in this part of the state do not live on the land they own.
- 3) March 2018 - Learn of new route design.
- 4) March 2018 - Send more permission letters to property owners who were not along the original path.
- 5) March 2018 - Receive easement requests instead of basic permission.
- 6) December 2018 - Ask the schools for help tracking down property owners contact information for those unlisted.
- 7) Continuous - Wait for response and pursue contact for signatures.

12 April 2019

To: Whom It Might Concern.

From: Ken Kestner
Lake County Commissioner, retired

RE: Consideration for Timeline Extension; Funding Request #1799036540; e-Rate Grant to Lake County ESD and contractor Hunter Communication.

A timeline extension of this grant is respectfully requested due unexpected turn of events that arose in mid-December of 2018. The turn of event was outside the expectation and control of the grantee Lake County Education Service District (ESD) and their contractor Hunter Communications.

During my years as Lake County Commissioner, a passion was gaining broadband internet for today's quality education to our very remote schools, and eventually to respective homes of our kids for their homework. We were very close to achieving such for the small elementary schools in the remote farming/ranching communities of Adel and Plush, Oregon. Unfortunately, a critical partner in fulfilling this endeavor had to cancel at late notice, which is placing the project in jeopardy to be completed by the current timeline; 30 June 2019.

Due the new need to comply with federal guidelines on environmental assessments, the current grant timeline of 30 June 2019 does not appear doable at this late notice. A timeline extension to 30 June 2020 would achieve the desired broadband internet to our kids in the two remote elementary schools. Any favorable consideration for an extension on the timeline would be greatly appreciated!

Respectfully,

A handwritten signature in black ink that reads "Ken Kestner". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Ken Kestner

Lake County Commissioner, retired

Cc: Attachment A; Funding Request #1799036540; Commissioner Kestner's Letter

Attachment A; Funding Request #1799036540; Commissioner Kestner's Letter.

Surprise Valley Electrification (SVE) Corp. was the critical partner. As originally conceived, the grant project was dependent on usage of SVE's power poles from Lakeview to elementary schools in Adel (~33 miles) and farther into Plush, OR (another 18 miles). Upon notification in early January, 2018, of the grant being awarded to ESD, I personally conversed with SVE on potential usage of SVE's power poles and whether there were concerns regarding the age of the poles on the 33-mile route between Lakeview and Adel.

- At that time SVE assured me that there were no concerns on usage of the poles.

The 33-mile distance from Lakeview to Adel transverses over the Warner Mountains. Lengthy winter weather with accompanying snow that we have in this region precludes on-ground investigation and implementation, often from late October to early April.

After more than a year into the project conducting design, engineering, on-ground investigation during past summer season of 2018 of the full 51 miles (Lakeview-Adel-Plush), Hunter Communications was nearing final implementation of actually hanging the fiber cable this spring of 2019. Such would have met the current time line of 30 June 2019.

However, this past December, 2018, SVE informed Hunter Communications that SVE's poles were now NOT available for usage. I personally visited with SVE staff in late December 2018 and was informed that usage of SVE's poles wasn't allowed due regulatory rules of Oregon Public Utility Commission.

SVE is headquartered in Modoc County, California, and its service area covers all of Modoc County and southern portion of Lake County in Oregon. Consequently, SVE is regulated by two Public Utility Commissions (PUC); California PUC and Oregon PUC. Upon SVE hiring of a new Compliant Officer in late 2018, SVE became aware that additional usage on their old power poles for this grant project could not be allowed, due Oregon PUC rules.

Remedying this constraint could cost SVE the expense of replacing a vast number of power poles over most of the initial 33 miles. SVE is a small rural electric cooperative. Such expense would be beyond their financial capability. Replacing most power poles over the mountainous terrain is also not achievable by 30 June 2019. The poles are mostly located on the mountainside and not readily accessible from the roadways.

ESD's contractor, Hunter Communications, is devoted to getting broadband to our kids and is investigating options. One option of consideration actually includes Hunter Communications installing their own poles at their expense and realigning a portion of the route to accommodate a new set of poles that would be accessible from the roadways, greatly expediting the pole replacements.

Such route realignment would cross some federally-administered lands, which would necessitate a delayed time factor for federally-required environmental assessment.

Exhibit D

The email from CenturyLink is intended to show a communication that references the original contract for four DS-1 lines bundled (page 2 of the email) and a response from CenturyLink acknowledging that they are unable to provide any more than a single DS-1 line (page 1 of the email).



Exhibit D

Sara Sarensen <ssarensen@lakeesd.k12.or.us>

178228130 LAKE COUNTY SCHOOL DISTRICT

Benagni, Fay <Fay.Benagni1@centurylink.com>
To: Sara Sarensen <ssarensen@lakeesd.k12.or.us>

Fri, Sep 22, 2017 at 2:19 PM

Hi Sara,

I've reached out to engineers and tech mgrs and because the pairs are out of capacity it looks like we will need to re-use the frame facilities for the internet.

Likely will need to reduce to DS1 (1- T1) per site.

I am also checking additional options.

Thank you!

Fay Benagni

CenturyLink Business Technology Solutions

Senior Global Relationship Manager

503-425-5334 office

503-459-3538 mobile

503-425-3300 fax

fay.benagni1@centurylink.com

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From: Sara Sarensen [mailto:ssarensen@lakeesd.k12.or.us]
Sent: Thursday, September 21, 2017 9:28 AM

To: Benagni, Fay
Subject: Re: 178228130 LAKE COUNTY SCHOOL DISTRICT

Hi Fay,

Just checking in to see if you were able to get any information from your engineer. Please let me know where we stand on finding a solution to the internet ups and downs out in Plush and Adel, whether it is a short term fix like splitting out the end of the T-1 going into Harney or if we are on track to finish the original project of the 4xDS-1.

Thanks,

Sara

On Fri, Sep 15, 2017 at 11:09 AM, Sara Sarensen <ssarensen@lakeesd.k12.or.us> wrote:

Thank you for looking into this -- I really appreciate it!

On Fri, Sep 15, 2017 at 10:46 AM, Benagni, Fay <Fay.Benagni1@centurylink.com> wrote:

Hi Sara,

I also tried to reach out to Keegan but it looks like he's out of the office. I will check with his backup.

Thank you!

Fay Benagni

CenturyLink Business Technology Solutions

Senior Global Relationship Manager

503-425-5334 office

503-459-3538 mobile

503-425-3300 fax

fay.benagni1@centurylink.com





United States
Department of
Agriculture

Forest
Service

Fremont-Winema National Forest

1301 South G Street
Lakeview, OR 97630
541-947-2151

File Code: 2720

Date: April 15, 2019

Lake County Education Service District
357 North L Street
Lakeview, OR 97630

To whom it may concern:

On March 11, 2019 the Fremont-Winema National Forest (Forest) received an updated application from Hunter Communications for the proposed installation of fiber optic cables to serve schools in two small, rural communities of Adel and Plush, Oregon. As I understand this fiber installation is federally funded and is to be completed by July 1, 2019.

The original application we received at the Forest was to attach the fiber optic line along an existing Surprise Valley Electric (SVE) aerial powerline. The Forest was in a position to issue a special use permit for this co-located use.

After we received the original application, SVE decided that the existing powerline is not capable for co-location with Hunter Communications' fiber facilities. The updated application proposes installing the fiber optic cables across the Forest along the Oregon State Highway 140 right of way. We are coordinating with the Oregon Department of Transportation (ODOT) and would need at least six months (after ODOT has provided their concurrence) to complete our compliance with the National Environmental Policy Act and issue a special use permit.

This added communication capacity to the Adel and Plush, Oregon communities is very important to meeting one of our U.S. Department of Agriculture's strategic goals of facilitating rural prosperity and economic development.

I greatly appreciate your consideration of extending the timeline for Hunter Communications to allow them to continue their application process with us so that this valuable communications line can be installed through the Forest.

Sincerely,

BARRY L. IMLER
Forest Supervisor

cc: Hunter Communications





United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Lakeview Resource Area
1301 South G Street, Lakeview, OR 97630
www.blm.gov/lakeview



Exhibit F

APR 04 2019

IN REPLY REFER TO:
2800 (ORL0500)

Lake County E.S.D
357 North L Street
Lakeview, OR 97630

To whom it may concern:

I am writing on behalf of Hunter Communications who has submitted a Right of Way (ROW) application (OROR-69623) to install fiber optic cable across BLM land to service schools in the small communities of Plush and Adel, outside of Lakeview, Oregon. I understand that this is a federally funded project that has a deadline of July 1st, 2019 for completion.

The original proposal submitted to us included utilizing existing Surprise Valley Electric (SVE) powerline poles to run the fiber optic line. This was the ideal situation as it would not require further NEPA analysis since there would be no additional disturbance on BLM land. This would have been commensurate with meeting the July 1 deadline.

I understand that SVE has rescinded the ability to utilize their existing poles as an option. The alternatives to this include installation of new poles or burying the cable on BLM land. Both options will cause new disturbance that will require additional NEPA analysis, likely an Environmental Assessment. The minimum amount of time to complete this analysis is 6 months to a year.

It is our hope that you will consider granting a timeline extension to Hunter Communications that will allow them to work with us through this process so that the project can be completed. It is a National Priority for BLM to expedite ROW applications for serving communities and we would like to facilitate completion of this project.

Sincerely,

Jami Ludwig
Field Manager

cc: Hunter Communications, 801 Enterprise Dr., Central Point, OR 97502

April 9, 2019

To whom it may concern:

As the State E-rate Coordinator for the State of Oregon, I am writing this letter of support for LAKE ED SERVICE DISTRICT seeking a Petition for Waiver of Special Construction Service Delivery Deadline before the Federal Communications Commission. I am acknowledging two (2) significant State E-rate related factors that may have contributed to the failure to comply with the Special Construction Service Delivery Deadline.

1. The State of Oregon Department of Education has had turnover in employment directly related to State E-rate Coordination. I began working as the Contracted State E-rate Coordinator in 2018. A new Department State E-rate Coordinator was appointed in late January 2019. The Department of Education has hired a new Chief Information Officer who started in April 2019. With all of these changes, I recognize that LAKE ED SERVICE DISTRICT may not have had the necessary access to the appropriate information for Oregon's State E-rate Coordination.
2. LAKE ED SERVICE DISTRICT reached out to the State E-rate Coordinator on numerous occasions beginning November 13, 2018, for guidance on the execution of completion for application #171010729. The applicant was granted a one-year Service Delivery Deadline extension, extending the Service Delivery Deadline to June 30, 2019. After many severe unforeseeable delays, the applicant decided to focus on a single segment of the project to be completed in relation to Funding Year 17. Because the project was under a multiyear contract, the applicant would then complete the second segment and remainder of the project in Funding Year 19. It is my understanding that LAKE ED SERVICE DISTRICT has been notified of more delays that will prevent the special construction on application #171010729 (FRN #1799036540) from being completed by June 30, 2019.

I have reviewed the Petition for Waiver of Special Construction Service Delivery Deadline supporting documentation and support the information provided. The details coincide with all of the information I have been provided from LAKE ED SERVICE DISTRICT to the State E-rate Coordinator since November 13, 2018.

Please feel free to contact me directly if I can be of any further assistance in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Jamie Campos". The signature is fluid and cursive, with the first name "Jamie" written in a larger, more prominent script than the last name "Campos".

Jamie Campos

State E-rate Coordinator | Oregon Department of Education

541.643.9454

www.oregon.gov/ode



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sheldon – Hart Mountain National Wildlife Refuge Complex
Post Office Box 111
Lakeview, Oregon 97630



Exhibit H

April 18, 2019

Federal Communications Commission-Universal Service Administrative Company

Dear FCC-USAC e-Rate Grant Selection Committee,

I am writing in support of the request by the Lake County Education Services District for an extension on the e-Rate grant (Funding Request #1799036540) awarded for the purpose of running fiber optic from Lakeview, Oregon to the Warner Valley. This fiber optic line would be extended to serve two elementary schools in Warner Valley, one in Plush and one in Adel.

Increasing the availability of access to broadband internet and cellular phone service for these schools and additionally local businesses and residences creates a better environment for learning, tourism and simply an improved quality of life. Projects such as this, that strengthen our community, also benefit our Refuges. In the future, I am hopeful that the planned fiber optic line would directly benefit Hart Mountain National Antelope Refuge by providing faster more reliable connectivity for Refuge staff and operations.

As the Project Leader at Sheldon-Hart Mountain National Wildlife Refuge Complex, I am very aware of unexpected events that delay and/or alter plans in this remote and isolated portion of Oregon. Consequently, I respectfully request that you please consider granting the Lake County ESD an additional extension on the e-Rate grant so that these rural communities will be able to develop the same opportunities as more urban parts of the State. The innumerable benefits that follow installation of this badly needed infrastructure would continue to strengthen the children and economies of these towns for decades to come.

Sincerely,

John Kasbohm, Ph.D.
Project Leader