

PUBLIC LAW RESOURCE CENTER PLLC

Public Law Resource Center PLLC
University Office Place
333 Albert Avenue, Suite 425
East Lansing, Michigan 48923
T (517) 999-7572
firm@publiclawresourcecenter.com

May 25, 2018

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room TW-A325
Washington, DC 20554

Re: *Comments of Allband Communications Cooperative*

In the matter of: Connect America Fund, WC Docket No. 10-90
ETC Annual Reports and Certifications, WC Docket 14-58
Establishing Just and Reasonable Rates for Local Exchange Carriers,
WC Docket No. 07-135
Developing an Unified Intercarrier Compensation Regime,
CC Docket No. 01-92

Dear Ms. Dortch:

Please find enclosed for filing in the lead docket 10-90 the Comments of Allband Communications Cooperative.

A copy of this filing is being sent via e-mail to Kris Anne Monteith, Chief, Wireline Competition Bureau (WCB) (kris.monteith@fcc.gov); Ryan Palmer, Chief, Telecommunications Access Policy Division (TAPD) WCB (Ryan.Palmer@fcc.gov); Suzanne Yellen, TAPD, WCB (Suzanne.Yelen@fcc.gov); Joe Sorresso, TAPD, WCB (joseph.sorresso@fcc.gov); Victor Gaither, Vice President, High Cost Division (Victor.Gaither@usac.org); Brandon Ruffley, Supervisor of Compliance, High Cost (brandon.ruffley@usac.org); Alexander Minard (Alexander.Minard@fcc.gov) and to the Commission's copy contractor at fcc@bcpiweb.com.

Respectfully submitted,

ALLBAND COMMUNICATIONS COOPERATIVE

Don L. Keskey

Don L. Keskey (P23003)
Public Law Resource Center PLLC
University Office Place
333 Albert Avenue, Suite 425
East Lansing, MI 48823
Telephone: (517) 999-7572
E-mail: donkeskey@publiclawresourcecenter.com

DLK/cad
Atts.

**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 14-58
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	

**COMMENTS OF
ALLBAND COMMUNICATIONS COOPERATIVE**

ALLBAND COMMUNICATIONS COOPERATIVE

By its counsel:

Don L. Keskey (P23003)
Public Law Resource Center PLLC
University Office Place
333 Albert Avenue, Suite 425
East Lansing, MI 48823
Telephone: (517) 999-7572
E-mail: donkeskey@publiclawresourcecenter.com

Dated: May 25, 2018

TABLE OF CONTENTS

I.	PROPOSED REDUCTION IN PER-LINE USF SUPPORT	1
II.	PROPOSALS FOR A STREAMLINED WAIVER PROCESS.....	5
III.	PROPOSALS TO ADJUST USF BUDGETS FOR INFLATION.....	6
IV.	FACTS AND REGULATORY BACKGROUND CONCERNING ALLBAND	7
V.	ALLBAND HAS SUCCESSFULLY STRIVED TO CARY OUT THE PURPOSES AND OBJECTIVES OF CONGRESS AS STATED IN NUMEROUS STATUTORY PROVISIONS.....	9
VI.	CONCLUSION AND RELIEF.....	14

**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 14-58
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	

**COMMENTS OF
ALLBAND COMMUNICATIONS COOPERATIVE**

Allband Communications Cooperative (Allband) files these comments in response to the Commission’s March 23, 2018 “Report and Order, Third Order on Reconsideration, and Notice of Proposed Rulemaking.” Allband’s comments focus upon: (1) the Commission’s proposal to reduce the per-line USF Reimbursement Cap from the present \$250 per line to a lower amount, such as \$200 to \$225 per line; (2) proposals to modestly increase the USF annual budget to reflect inflation; and (3) proposals to adopt a streamlined, efficient, and less-costly approach to review and timely grant waiver petitions, particularly for those entities (such as Allband) that have received waiver orders.

I. PROPOSED REDUCTION IN PER-LINE USF SUPPORT

Allband questions the necessity or rationale for reducing the current \$250 per-line USF reimbursement cap at this time. The Commission’s Notice acknowledges that very few carriers are subject to the cap at this time, and yet fewer carriers have received waivers from the cap. Rather than supporting the rationale for reducing the USF reimbursement per line, this may well support the opposite, that the reduction in the per-line USF reimbursement cap is unnecessary, and

that the Commission's goals underlying such a proposal can be better met by alternative approaches.

Allband points to the unique circumstances of Allband itself in asserting that the reduction in the USF reimbursement cap is not necessary or productive at this time. Allband's unique circumstances have been well documented by the Commission's own waiver orders, including the Commission's 2012 Waiver Order,¹ and most recently the February 22, 2018 Order from the Commission's Wireline Bureau.² Allband submits that any changes to the per-line USF reimbursement cap adopted by the Commission in this proceeding should not, in any way, adversely impact these waiver orders.

On a collective basis, the Commission's Waiver Orders recognize that Allband is a new entity, with recent capital investment, made possible by a Rural Utilities Service (RUS) loan of approximately \$8,000,000, and an outright grant under the American Recovery and Reinvestment Act of 2009 (ARRA) of approximately \$8,000,000. Allband has efficiently utilized such loans and grants to construct, and then operate and maintain, the most up-to-date technological facilities to provide both telephone and broadband deployment in a previously unserved portion of four counties of northeast Michigan which had never had access to such communications, a situation which remains true today as Allband is the exclusive Incumbent Local Exchange Carrier (ILEC) in its service area.³

Allband has also strived to carry out all of the recommendations in the Commission's 2012 Waiver Order, by constantly adopting measures for more efficiency, increasing the reliability of its

¹ *In the Matter of Allband Communications Coop Petition for Waiver of Certain High-Cost Universal Serv Rules*, 27 F.C.C. Rcd. 8310 (2012).

² *In the Matter of Connect America Fund, Allband Communications Cooperative Petition for Waiver of Certain High-Cost Universal Service Rules*, DA 18-177 (February 22, 2018).

³ The regulatory background and facts concerning Allband are summarized in Section IV, *infra*.

services, and forming a subsidiary, Allband Multimedia Company, to provide a full range of high capacity and reliable broadband services. In this way Allband has successfully carried out the FCC's recommendations to become more efficient, to increase revenues, and to seek increased lines to serve a decidedly rural area previously unserved, and in a manner which comports with the requirements of, and the purposes and objectives of Congress, as reflected in the FCC Act Amendments of 1996 (and other statutory provisions) to advance the deployment of voice and broadband services in rural areas that are comparable to that provided in urban areas.⁴

Allband notes its repeated efforts to file for waiver petitions over several years to maintain the necessary per-line USF reimbursement, consistent with the Act's amendments, to deploy facilities capable of providing advanced broadband services.⁵ These several waiver Petitions, and also extensive audits and financial reviews, have resulted in the incurrence by Allband of very substantial sums (in comparison to its size) which have drained or diverted Allband's financial resources, which otherwise could have been invested in increased growth, increased lines, and enhanced services in its rural area, and to thereby result in a reduction in needed per-line USF support.

⁴ Allband's compliance with Congressional intent and statutory provisions are discussed in Section V, *infra*.

⁵ Allband's previous waiver and related filings include: (1) Allband's February 2012 waiver petition with supporting attachments; (2) Allband's December 31, 2014 waiver petition with supporting attachments, and supplemental filing with attachments; (3) Allband's November 12, 2015 response to the September 23, 2015 audit issued by Universal Service Administrative Company (USAC), with supporting attachments, and supplemental filings thereto, (4) Allband's June 29, 2016 Emergency Petition of Allband Communications Cooperative for Interim Partial Restoration of its Waiver of the Part 54.302 Rule; (5) Allband's nine-page handout analysis presented to the FCC staff at meetings held on June 28, 2016; (6) Allband's January 12, 2017 Emergency Petition of Allband Communications Cooperative for Interim Partial Waiver of 54.302 Rule and for Increased Per-Line Support, WC Docket 10-90 et al., at 2-3 (filed Jan. 12, 2017) (Jan. 2017 Emergency Petition); and (7) Allband's July 27, 2017 Petition of Allband Communications Cooperative for Waiver of the Part 54.302 Rule and for Increased Per-Line Support. WC Docket 10-90 et al. (filed July 27, 2017)(July 2017 Petition).

Allband asserts that the Commission should undertake a reform process that does not reduce the per-line cap from \$250 per line to a lower level, and which substantially streamlines the waiver process to reduce the cost of such a process to assist Allband with reducing its per-line cost, increasing its lines, expanding phone and broadband service to its service area and surrounding areas, all in compliance with federal statutes.

Allband further asserts that the Commission should consider the unique circumstances applicable to Allband, which is serving a sparsely populated area, had incurred somewhat recently capital costs to construct and implement service in a wholly unserved territory, and which has successfully carried out the purposes of federal statutes instituting the USF,⁶ and has strived to carry out the recommendations of the Commission in its Waiver Orders. Allband is a fairly recent entry into providing phone and broadband facilities and services, and its initial per-line costs are therefore high, but will reduce over time. In this regard, Allband's per-line costs have decreased steadily from the institution of service to customers in 2006.

Allband's situation is thus far different from other entities or carriers that may be competing with other carriers, or are obtaining USF support for sub-standard broadband capabilities and capacity, or which have not recently invested capital to provide such service and capabilities in an unserved rural area.

Allband further asserts that the Commission should consider other relevant aspects relating to sister federal agencies and taxpayers, and state regulation. Allband built its facilities as an ILEC, as recognized by the Commission's 2005 Order,⁷ and through obtaining several license and other approvals from the Michigan Public Service Commission.⁸ Allband's regulated facilities,

⁶ See Section V, *infra*.

⁷ FCC Order *In the Matter of Allband Communications Cooperative Petition for Waiver of Sections 69.2[hh] and 69.601 of the Commission's Rules in WC Docket No. 05-174*, 20 F.C.C. Rcd. 13566 (2005).

⁸ Background and Facts, Section IV, *infra*.

fully engineered with capability to provide full deployment of broadband services, was also financed with an \$8,000,000 loan from the RUS, and an ARRA grant of a similar amount. Allband has strived in all ways to pay its loan obligations pursuant to its RUS loan, and asserts that the Commission's rulemaking should recognize that Allband should receive sufficient support to honor and carry out its federal tax-supported loans. Allband notes that its payment on its RUS loan alone equals \$334.00 per line per month, as calculated as of Allband's January 12, 2017 Emergency Petition for Waiver, which per-line obligation has increased since because Allband must make up for the RUS deferment of monthly payments on principal (to allow payments only on interest) for over a year through May 31, 2018. In addition, Allband's filings with the Commission establish that the fixed cost associated with Allband's capital investment (and associated taxes and depreciation itself equals \$375 per line as established in Allband's January 12, 2017 Petition for Waiver, with attachments).⁹

Allband recommends that the Commission provide for an alternative approach rather than reducing the per-line USF reimbursement at this time. It is not clear as to whether any constructive result would occur from instituting a reduction in the per-line USF support pursuant to rulemaking, nor the amount of entities, if any, that would be subject to such a rule revision. However, absent continued application of its 2018 waiver, Allband would clearly be adversely affected by such a reduction, despite Allband's extensive efforts to establish waivers of the Commission's rules, and to pursue the objective of reducing its per-line costs through growth in its service area.

II. PROPOSALS FOR A STREAMLINED WAIVER PROCESS

Allband further recommends that the Commission adopt a streamlined approach for reviewing Allband's qualification for further waivers for the duration of its remaining RUS loan

⁹ January 12, 2017 Emergency Petition, pp 2, 4-5, fns 7 and 8, *et seq*, and attached Affidavit of FWA President and CPA Tim Morrissey, Appendix D, and Affidavit of Tammy Veasy, Allband Controller, Appendix C, pp 4-5, and attachments 1 and 2 attached thereto.

obligations, to include alternative options such as relying upon existing required reporting submissions and audits. Allband asserts that the previous exhaustive Waiver Petitions filed by Allband, with associated submissions to USAC, the Commission, or the Wireline Bureau, have constituted an inefficient and costly process which has greatly degraded Allband's financial resources to provide and expand communications and broadband facilities and services in its rural area comparable to what is offered in urban areas (as intended by Congress in several statutory provisions).¹⁰ A prompt and streamlined waiver process to submit and obtain approvals of waiver petitions could redirect financial resources from such filings to provide expanded lines and services to the rural area served by Allband, and surrounding areas in which Allband Multimedia provides broadband services to unserved or inadequately served areas.

III. PROPOSALS TO ADJUST USF BUDGETS FOR INFLATION

Allband further observes that the Commission's rulemaking proposes a possible expansion of the USF budget to reflect inflation increases since approximately 2010. Allband endorses the Commission's inquiry into budget expansion of the USF to reflect some modicum of inflation increases each year (and for the past several years). The Commission's current approach of simply freezing the USF budget seems contrary to economic reality, as costs do increase with inflation over time. Further, there appears to be some lack of evidence that the surcharge applied to communications bills to fund the USF budget represents a burden upon the consumers of communications services subject to the USF surcharges.¹¹

¹⁰ See Section V, *infra*.

¹¹ One of the three judges in the 10th Circuit Court of Appeals decision in *In re FCC 11-161*, 753 F.3d 1015 (10th Cir, 2014) issued a partial dissenting opinion finding that the FCC acted arbitrarily in violation of the Administrative Procedures Act in failing to supply a rational basis to support its conclusion that an annual USF budget of \$4.5 billion would be sufficient to fund the FCC's new requirements for broadband capability. See 753 F3d 1015 at 1104-1105.

Allband further notes that the reduction in the per-line USF support cap from \$250 per line to \$200-\$225 also does not consider the situation if in fact the Commission were to recognize an increase in the USF budget to reflect inflation. A Commission decision to recognize some modest increases in the USF budget should also result in some flexibility toward maintaining the \$250 per line cap at this time, rather than reducing the USF per-line reimbursement cap.

IV. FACTS AND REGULATORY BACKGROUND CONCERNING ALLBAND

Soon after adoption of the 1996 Act, residents in the contiguous portions of four Michigan counties commenced grass-roots efforts to research the formation of a customer-owned cooperative to provide communications services, due to the inability to obtain services from any carrier in their wholly unserved area. These research efforts were aided by a grant from Michigan State University, and by extensive volunteer effort by local residents.

Allband filed its Articles of Incorporation in late 2003, and then strived over the next several years to obtain state and FCC approvals, and also RUS federal loan approvals, to finance, design, construct, and commence service over a new fiber-optic network capable of providing an array of up-to-date voice and broadband services, facilitated by the RUS loans, which in turn were supported by revenues approved for Allband under the USF program.

In 2004-2005, the Michigan Public Service Commission (MPSC) in various orders granted Petitioner Allband a permanent license to provide services in its proposed unserved/unassigned area comprising 177-square miles, and created the “Robbs Creek” exchange, and granted Eligible Telecommunications Carrier (ETC) status to Petitioner for purposes of Sections 214(e) and 254 of the 1996 Act.

On August 11, 2005, the FCC granted Petitioner Allband’s waiver of certain FCC rules to allow Allband to be treated as an Incumbent Local Exchange Carrier (ILEC) for NECA (National

Exchange Carriers Association) pooling and USF purposes.¹² The FCC's 2005 Order recognized that Allband's provision of services to the unserved/unassigned areas would be costly on a per-line basis, but would be consistent with the 1996 Act. The FCC's 2005 Order, paragraph 19, specifically concluded that "[b]ased on the record . . . these waivers are in the public interest because they will facilitate the ability of Allband to serve previously unserved areas."

On August 18, 2005, the RUS granted an \$8 Million loan to fund construction of Allband's network (USDA Rural Development Loan [RUS] Borrower MI-570). Allband commenced design and construction of its network in late 2005 and for several years thereafter.

In December 2006, based upon the 2005 waiver order, Allband, as an ILEC and ETC, began receiving USF Interim Common Line Support and Local Switching Support, to minimize administrative expenses and maintain reasonable access rates.

In January 2008, Allband began receiving USF High Cost Loop Support to support a substantial portion of the ongoing high cost of its network facilities and service while maintaining reasonable local exchange rates.

Allband's advanced fiber-to-the-home infrastructure provides the capability to provide services such as traditional telephone service, free calling features, long distance, broadband, high-speed internet, and other advanced services. Allband as an ILEC and ETC also undertakes important public interest duties to provide emergency connections including 911 services in an area that lacked traditional telephones and cellular service, as required of ILECs pursuant to Sections 214(e) and 254 of the Act.

In the infancy of its network development in 2007, Allband had 33 customer lines and has since grown to approximately 170 lines, but still requires significant USF support above the presumptive per-line cap imposed by FCC Orders (and its Rule Part 54.302) due to the largely

¹² fn 7, *Id, supra*.

undepreciated cost of its new network, the cost to make RUS loan payments, and the time necessary to attract additional customers in its rural area.

Allband requires the higher per-line USF support recognized by the Commission's 2012 and 2018 Waiver Orders to obtain "sufficient and predictable" USF revenues to (a) maintain affordable customer rates and services that are comparable to those provided in urban areas, (b) provide and maintain quality service, and (c) to meet its RUS debt obligations associated with its plant investment and network, in accordance with the provisions Congress established in the 1996 Act and related statutes.

The costs and uncertainty associated with the FCC Orders and exhaustive waiver process has degraded Allband's financial resources, and diverted efforts at providing and expanding service in its rural area, and has threatened Allband's existence and operations. This situation created substantial uncertainty, and hampers Allband's ability to further accomplish the goals, objectives, and purposes of Congress as set forth in numerous statutory provisions.

V. ALLBAND HAS SUCCESSFULLY STRIVED TO CARY OUT THE PURPOSES AND OBJECTIVES OF CONGRESS AS STATED IN NUMEROUS STATUTORY PROVISIONS

Allband asserts its comments and proposals here are consistent with the objectives and purposes of Congress, which has clearly established requirements in the Act's 1996 Amendments to provide comparable service in rural areas, to provide reliable and certain funding, and to carry out several other purposes and objectives identified by Congress, as reinforced by the subsequent provisions of various statutes which clearly encourage the deployment of broadband facilities and services across the nation and in rural areas.

Congress in the 1996 Act, and related statutes, established unmistakable intent to promote the development and deployment of both voice and broadband communications infrastructure on a nationwide basis, to include rural areas, and with service quality and at rates which are comparable as between rural and urban areas.

The 1996 Act defines a Local Exchange Carrier, Section 153(32), 47 U.S.C. § 153(32), a Rural Telephone Company, Section 153(44), 47 U.S.C. § 153(44), and a Telecommunications Carrier providing telecommunications services and telephone exchange service, Sections 153(50), (51), (53), and (54), 47 U.S.C. § 153(50), (51), (53), and (54).

Section 253(f), 47 U.S.C. § 253(f) recognizes a state's authority to designate a carrier as an Eligible Telecommunications Carrier, to receive federal universal service support in accordance with Section 214(e), 47 U.S.C. § 214(e) and Section 254, 47 U.S.C. § 254.

Section 253(b), 47 U.S.C. § 253(b) also encourages states to impose (consistent with Section 254) "...requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers."

Section 254, 47 U.S.C. § 254 establishes unmistakable Congressional intent to promote universal service, including in rural areas. Sections 254(a)(1) and (2), 47 U.S.C. § 254 provide for a federal-state Joint Board and for FCC action to provide "a definition of the services that are supported by Federal Universal Support mechanisms and a specific time table for implementation." Section 254(b) provides several clear principles "for the preservation and advancement of universal service", directing that:

- "[q]uality services should be available at just, reasonable, and affordable rates." Section 254(b)(1).
- "Access to advanced telecommunications and information services should be provided in all regions of the Nation". Section 254(b)(2).
- "Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas. Section 254(b)(3).

- “All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.” Section 254(b)(4).
- “There should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance universal service.” Section 254(b)(5).
- “Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services as described in subsection (h) of this section.” Section 254(b)(6).
- “Such other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this chapter.” Section 254(b)(7).

Section 254(c) states that “[u]niversal service is an evolving level of telecommunications services that the Commission shall establish periodically under this section, taking into account advances in telecommunications and information technologies and services....”

Section 254(d) requires contributions by carriers “to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.” Section 254(e) provides that:

...only an eligible telecommunications carrier designated under [section 214\(e\) of this title](#) shall be eligible to receive specific Federal universal service support....

and that:

A carrier that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Any such support should be explicit and sufficient to achieve the purposes of this section.

Section 254(f) encourages states to “preserve and advance universal service” and to “adopt additional specific, predicable, and sufficient mechanisms to support” universal service.

Section 254(g) provides that certain rates charged by providers “to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas.”

Section 254(h)(1)(A) and (B) provides that a telecommunications carrier shall provide telecommunications services to a health care provider... “that serves persons who reside in rural areas in that State.... as a part of its obligation to participate in the mechanisms to preserve and advance universal service” and that “all telecommunications carriers serving a geographic area shall” provide universal service to schools and libraries. Section 254(h)(2) also requires the FCC to establish rules to enhance access to advanced telecommunications and information services for schools, health care providers, and libraries. Section 254(i) provides that “The Commission and the States should ensure that universal service is available at rates that are just, reasonable, and affordable.”

Congress has enacted other statutory provisions establishing its intent to promote the deployment of broadband-capable facilities and services. For example, the Food, Conservation, and Energy Act of 2008 (“Farm Bill”)¹³ directed the FCC Chairman and Secretary of the U.S. Department of Agriculture (USDA) to submit to Congress a “comprehensive rural broadband strategy” for deploying broadband in rural areas.

Amendments to Section 706, 47 U.S.C. § 1302(a) provided incentives for deployment of “advanced telecommunications capability,” defined in Section 1302(d)(1), 47 U.S.C. § 1302(d)(1), as “high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications.” Section 706(a) and (b), 47 U.S.C. § 1302(a) and (b) directed the FCC to accelerate deployment of broadband capability by removing barriers to infrastructure investment and promoting competition in the telecommunications market.

Other Section 706 amendments enacted in the Broadband Data Improvement Act (“Broadband Act”),¹⁴ directed the FCC and Secretary of Commerce to develop improved data on

¹³ Pub. L. No. 110-234, § 6112(a), 122 Stat. 923, 1966 (2008).

¹⁴ Pub. L. 110-385, Title I, §§ 101, 103, 122 Stat. 4096, 4096-97 (2008).

the extent of broadband deployment (*Id.*, § 1303) 47 U.S.C. § 1303 and authorizing the Commerce Secretary to encourage initiatives to improve broadband access, Section 1304, 47 U.S.C. § 1304.

Congress also enacted the American Recovery and Reinvestment Act of 2009¹⁵ (Recovery Act) directing in Section 1305, 47 U.S.C. § 1305 that the FCC submit to Congress a national broadband plan, and the Broadband Technology Opportunities Program (Broadband Program) to:

(1) provide access to broadband service to consumers residing in unserved areas of the United States;

(2) provide improved access to broadband service to consumers residing in underserved areas of the United States;

(3) provide broadband education... access, equipment, and support to... (schools, libraries, health providers, colleges, community support organizations or agencies)....

(4) improve access to, and use of, broadband service by public safety agencies; and

(5) stimulate the demand for broadband, economic growth, and job creation.

Section 1304 and 1305, *Id.*, contains several provisions establishing a grant program to facilitate the construction and deployment of broadband infrastructure and services.

The National Broadband Plan required by Section 1305(k), 47 U.S.C. § 1305(k) “shall seek to ensure that all people of the United States have access to broadband capability” ... [and] shall also include- (among other matters), “a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public...” to advance numerous listed public interest benefits.

¹⁵ Pub. L. No. 111-5, 123 Stat. 115 (2009).

VI. CONCLUSION AND RELIEF

Allband requests the Commission to consider in its rulemaking the following:

- A. The Commission refrain from reducing the USF reimbursement cap from \$250 to a lower amount at this time;
- B. The Commission recognize some exception or other recognition of higher per-line costs and USF support related to meeting all payment obligations on loans granted by a sister federal agency for construction of facilities to serve rural areas, and to honor the purposes by which a sister federal agency approved grants to carry out the purposes of Congress to provide communications and broadband services and facilities in rural areas;
- C. The Commission recognize and provide for a less costly streamlined process for obtaining waivers of per-line USF caps to recognize unique circumstances, such as the Commission has granted for Allband;
- D. The Commission provide for increases in the USF budget to recognize inflation;
- E. That the Commission formulate its rules to fully consider and recognize the issues that Allband has presented herein, and in its various waiver petitions cited above, along with such further and consistent relief that the Commission determines is lawful and equitable.

Respectfully submitted,

ALLBAND COMMUNICATIONS COOPERATIVE
By Its Counsel:

Don L. Keskey

Don L. Keskey (P23003)
Public Law Resource Center PLLC
University Office Place
333 Albert Avenue, Suite 425
East Lansing, MI 48823
Telephone: (517) 999-7572
E-mail: donkeskey@publiclawresourcecenter.com

Dated: May 25, 2018