

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
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
Developing a Unified Inter-carrier Compensation Regime)	CC Docket No. 01-92
)	

REQUEST FOR EXPEDITED TREATMENT

PETITION OF OLIN TELEPHONE COMPANY

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“FCC”) or “Commission”),¹ Olin Telephone Company, Inc. (“Olin” or the “Company”) hereby requests an expedited waiver of the Commission’s requirement of withholding all funding for late certification to the HUBB in 2018. During this time, Olin was going through a general manager transition. Olin made sure to set up the new manager as the HUBB officer and believe they did certify “no locations to upload”. Later, Olin was alerted that the certification did not complete (April 9, 2018). As soon as this error was discovered, Olin attempted to certify, but the portal was closed. After contacting USAC, Olin had to wait an additional 7 days for the portal to open in order to certify. The certification was completed April 16, 2018. See Exhibit A for correspondence with USAC and confirmation.

In January 2019, A-CAM funding was withheld for the entire month, in the amount of \$16,544.50. An additional \$12,729.51 was withheld in February for the days missed from April 1, 2018 to the certification date of April 16, 2018. This calculation equates to 23 additional days of lost support instead of the 16 days until certification was complete. See Exhibit B.

Olin is a small, rural ILEC that depends on this funding to build-out to our consumers and deliver high-speed internet access.

¹ 47 C.F.R. § 1.3.

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

In the Matter of

Connect America Fund

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WC Docket No. 10-90

**OLIN TELEPHONE COMPANY
REQUEST FOR WAIVER OF MARCH 1, 2018 DEADLINE FOR
CERTIFYING BROADBAND LOCATIONS IN THE
HIGH COST UNIVERSAL BROADBAND LOCATIONS IN THE
HIGH COST UNIVERSAL BROADBAND SYSTEM FOR ALTERNATIVE
CONNECT AMERICA COST MODEL FUNDING**

Roxi Hacker
Regulatory Consultant
Interstate Telcom Consulting, Inc.
130 Birch Avenue West
Hector, MN 55342-0668
roxih@interstatetelcom.com
320/848-6641

Summary

Olin Telephone Company (“Olin” or the “Company”) took action to prepare for certification of 2017 information into the High Cost Universal Broadband (“HUBB”) system prior to the deadline of March 1, 2018. Olin certified “no locations to upload” prior to the deadline. Unknown to Olin, 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. When Olin was alerted to the fact that the certification was not completed by the March 1, 2018 deadline or within the grace period, Olin attempted to certify again, but the portal was closed. After several attempts, Olin contacted the Universal Service Administration Company (“USAC”) and then had to wait an additional 7 days for the system to open. See Exhibit C.

In January 2019, Olin’s A-CAM support was reduced a full month of support and another partial month in February 2019 based on the Commission’s Rule Section 54.316(c)(1)(i). Good cause and the special circumstances in this case justify the requested relief. Olin e-mailed USAC requesting that USAC reverse its decision and grant Olin a waiver of withholding funds. USAC denied the request. See Exhibit D. Because USAC did not reverse its decision, the Commission must grant a waiver of the certification deadline to ensure that no injustice is worked by causing Olin to lose A-CAM support when Olin had undertaken reasonable efforts to comply with the applicable reporting deadline.

**Before the
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WC Docket No. 10.90

**OLIN TELEPHONE COMPANY
REQUEST FOR WAIVER OF MARCH 1, 2018 DEADLINE FOR
CERTIFYING BROADBAND LOCATIONS IN THE
HIGH COST UNIVERSAL BROADBAND LOCATIONS IN THE
HIGH COST UNIVERSAL BROADBAND SYSTEM FOR ALTERNATIVE
CONNECT AMERICA COST MODEL FUNDING**

Olin Telephone Company, Inc. (“Olin” or the “Company”), pursuant to Section 1.3 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”),¹ 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 America Cost Model (“A-CAM”) for locations deployed in 2017 and funding received in 2019 (“Waiver Request”). Specifically, Olin 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 54.31(a) and (b),² “rate-of-return carriers must submit the annual reporting information by March 1, as described in paragraphs (a) and (b) of this section...”³ Olin also requests that the FCC waive the penalty in FCC Rule Section 54.31(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.”⁴

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. § 54.31(a) and (b).

³ 47 C.F.R. § 54.316(c)(1).

⁴ 47 C.F.R. § 54.316(c)(1)(i).

In 2018, Olin timely certified “no locations to upload” in the HUBB portal. There was apparent confusion in the USAC system over the old manager log-in credentials and the new manager even though the set up of the HUBB officer was completed.

I. Introduction and Background

On February 26, 2019, Olin received a High Cost Remittance Statement from USAC for the month of January 2019 (Exhibit B: February 26 Remittance Statement). Olin discovered that the A-CAM disbursement for Olin Telephone Company was reduced to zero for January and by \$12,729.51 for February. This is a significant hardship for this small rural company.

Olin 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 Olin received the February 26 High Cost Remittance Statement. Olin disagrees with the basis on which USAC has reduced the total disbursement of A-CAM support on the 2018 reporting and certification of broadband locations deployed in 2017.

Olin 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, Olin also requests that the Commission waive the March 1, 2018 deadline and the penalty in Rule Section 54.316(c)(1)(i), accepting Olin’s certification of locations as timely certified.

II. 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 service the public interest and the Commission’s purposes than strict enforcement of the rule. In Olin’s case, (i) there is good cause to grant the requested limited waiver and accept the reporting and certification of broadband

location data 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. To lose \$29,274.01 over not having any locations to report will cause additional stress on this small rural company to complete build-out obligations to current locations.

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.

Olin 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”). Olin took appropriate and timely steps to ensure that its certifying officer, Mr. Frank Wood, was set up in the USAC e-file and HUBB systems for in advance of the March 1 deadline. As a side note, when it came to certifying 2018 data in 2019, Frank Wood had once again been removed as a certifying officer in HUBB and had to be reset up yet again.

Accordingly, there is good cause to grant the requested waiver and acceptance of the reported “no locations” as having been received by the March 1, deadline. Without the grant of the waiver and acceptance of the broadband data reported and certified as having been received by the March 1 deadline, Olin would be penalized. 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, 2018 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.⁵ The FCC also may take into account considerations of hardship, among other factors, when determining whether to grant a waiver.⁶ In Olin’s case, Olin has been penalized because of

⁵ See 47 C.F.R. § 1.3; *Northeast Cellular Tel. Co. v FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 2990) (citing *WAIT Radio v. FCC*, 418 F2d, 1153, 1159 (D.C. Cir. 1969), *cert. denied* 409 U.S. 1027 (1982)).

⁶ See *WAIT Radio v. FCC*, 418 F2d at 1159.

possible errors in the USAC HUBB system that resulted in USAC's failure to accept Olin's certification in 2018, and by the system not being available to certify for an additional week after alerting Olin.

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

Strict enforcement of the requirements of Section 54.31(c)(1)(i) and a denial of Olin's request limited waiver would not serve the public interest.

III. Conclusion

Olin certified "no locations to upload" in 2017, as described herein. If USAC does not rectify this matter on appeal and issue full amount of support to Olin, then the Commission must act to prevent an unjust application of the Commission's rules by granting Olin a limited waiver of Rules 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.

EXHIBIT A

Correspondence on Late Certification

Roxanne K. Hacker

From: HCQuestions <HCQuestions@usac.org>
Sent: Tuesday, April 10, 2018 9:53 AM
To: Roxanne K. Hacker
Cc: HCQuestions
Subject: RE: HUBB Certification

Salutations Roxanne,

Thank you for reaching out to us. The certification option is currently disabled for 2017. We are working with the FCC to open it for late filers and USAC will be contacting those carriers directly when we know when the system will be open..

If you have any questions or concerns, please contact us at hcquestions@usac.org.

Warm Regards,

Brandon T
High Cost Support Team
High Cost Program
Universal Service Administrative Company
hcquestions@usac.org

From: Roxanne K. Hacker [<mailto:roxih@interstatetelcom.com>]
Sent: Monday, April 9, 2018 10:47 AM
To: HCQuestions <HCQuestions@usac.org>
Subject: HUBB Certification
Importance: High

We were working with Olin Telephone Company who is ACAM and their HUBB reporting. None of the build-out that was performed in 2017 was reportable as it was not in funded census blocks. They did have a few locations that were in 2016, but he had chose not to certify those until after the March 1st deadline because they are not due until next year AND he wanted to make sure none were missed. The officer did try to certify "no locations to certify" and thought he had, but apparently that certification did not go through, because the company got a call this morning saying the deadline was missed.

Is there anything they can do to remedy this?

Roxi Hacker
Regulatory Consultant
Interstate Telcom Consulting, Inc.
320-848-6641

Confidentiality Notice: The information in this communication and any attachments thereto is intended for the named recipients(s) only. This communication, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this communication and any of its attachments is **STRICTLY PROHIBITED**. If you have received this communication in error, please immediately notify the sender; delete this communication and all attachments from your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.

Roxanne K. Hacker

From: Elizabeth Pertsevoi <Elizabeth.Pertsevoi@usac.org>
Sent: Tuesday, April 10, 2018 9:03 AM
To: Roxanne K. Hacker
Subject: RE: HUBB Certification

Roxi – Can you please tell me when the officer originally try to certify “no locations”? By any chance, did the officer receive a confirmation email when they did so? Thanks.

Elizabeth Pertsevoi
(202)263-1643
elizabeth.pertsevoi@usac.org

From: Roxanne K. Hacker [<mailto:roxih@interstatetelcom.com>]
Sent: Monday, April 09, 2018 10:47 AM
To: HCQuestions <HCQuestions@usac.org>
Subject: HUBB Certification
Importance: High

We were working with Olin Telephone Company who is ACAM and their HUBB reporting. None of the build-out that was performed in 2017 was reportable as it was not in funded census blocks. They did have a few locations that were in 2016, but he had chose not to certify those until after the March 1st deadline because they are not due until next year AND he wanted to make sure none were missed. The officer did try to certify “no locations to certify” and thought he had, but apparently that certification did not go through, because the company got a call this morning saying the deadline was missed.

Is there anything they can do to remedy this?

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Olin

No Locations to Upload Confirmation

Deployment Year: 2017

Carrier(s): OLIN TEL CO, INC

Holding Company Name: Olin Telephone Company

Confirmation No.: **NL000000000001288**

Certified on : April, 16 2018 at 03:51:43 PM

The above referenced carrier has no locations to upload. Please save the confirmation number above. If you have questions or concerns, referencing this number will help when you contact us (<mailto:hubboperationssupport@usac.org>) .

EXHIBIT B

Disbursement Statements Showing Amounts Withheld

REVISED

Page 1 of 1



OLIN TEL CO INC
Attn: Ms. Sheila Rouse
P.O. Box 130
Olin, IA 52320-0130

Company Code: 000001264
Statement No: PS0294048
Date: Feb 27, 2019
Disbursement Notification

THIS IS NOT A NECA BILL
This notification is to advise
you of the current month's
disbursement which is being
made to your company by
NECA.

Direct questions to your NECA Regional Industry Relations Office

351264 OLIN TEL. CO., INC.

Current:

Current Net Balance For Jan 2019 Data Month (AS3000)	7,646.00CR	
**Adjustment Net Balance (AS/EC 2053-OW)	42.00CR	
Lifeline (USAC)	19.00CR	
Current Net Balance		7,707.00CR
Total Amount Due Exchange Carrier		7,707.00CR

You Will Receive Above Payment By Feb 28, 2019

THIS IS NOT A BILL - DO NOT REMIT PAYMENT

NOTE: The revised statement reflects actual funds received from USAC.

** This statement may reflect adjustments to High Cost Support, included in your total net balance, for periods outside the current open 24-month pool window. These adjustments have been applied to data months outside the current window in order to re-calculate settlement results for those periods. For pooling companies, this single amount represents the net effect of adjustments to all prior data months. The adjustment effects are shown on the AS2053-OW (Average Schedule Company) or EC2053-OW (Cost Company) report. For non pooling companies, the single amount(s) are for all adjusted months identified by support fund.



Company Code: 000001264

Statement No: PS0294048

Date: Feb 05, 2019

THIS IS NOT A NECA BILL

This notification is to advise you of the current month's disbursement which is being made to your company by NECA.

OLIN TEL CO INC
Attn: Ms. Sheila Rouse
P.O. Box 130
Olin, IA 52320-0130

Direct questions to your NECA Regional Industry Relations Office

351264 OLIN TEL. CO., INC.

Current:

Current Net Balance For Jan 2019 Data Month (AS3000)	7,646.00CR	
**Adjustment Net Balance (AS/EC 2053-OW)	42.00CR	
* Alternative Connect America Cost Model Support (USAC)	16,544.50CR	
Current Net Balance		24,232.50CR
<hr/> Total Amount Due Exchange Carrier		24,232.50CR

You Will Receive Above Payment By Feb 28, 2019

THIS IS NOT A BILL - DO NOT REMIT PAYMENT

- * NECA estimates of Universal Service payments reflected on this statement are derived from prior month payments plus any known changes available to NECA. True-ups to these estimates will be provided in a second statement from NECA after actual payment information is available from USAC.
- ** This statement may reflect adjustments to High Cost Support, included in your total net balance, for periods outside the current open 24-month pool window. These adjustments have been applied to data months outside the current window in order to re-calculate settlement results for those periods. For pooling companies, this single amount represents the net effect of adjustments to all prior data months. The adjustment effects are shown on the AS2053-OW (Average Schedule Company) or EC2053-OW (Cost Company) report. For non pooling companies, the single amount(s) are for all adjusted months identified by support fund.

REVISED

Page 1 of 1



OLIN TEL CO INC
Attn: Ms. Sheila Rouse
P.O. Box 130
Olin, IA 52320-0130

Company Code: 000001264
Statement No: PS0395370
Date: Mar 28, 2019
Disbursement Notification

THIS IS NOT A NECA BILL
This notification is to advise
you of the current month's
disbursement which is being
made to your company by
NECA.

Direct questions to your NECA Regional Industry Relations Office

351264 OLIN TEL. CO., INC.

Current:

Current Net Balance For Feb 2019 Data Month (AS3000)	8,836.00CR	
**Adjustment Net Balance (AS/EC 2053-OW)	4.00	
Alternative Connect America Cost Model Support (USAC)	3,814.99CR	
Lifeline (USAC)	19.00CR	
Current Net Balance		12,665.99CR
Total Amount Due Exchange Carrier		12,665.99CR

You Will Receive Above Payment By Mar 29, 2019

THIS IS NOT A BILL - DO NOT REMIT PAYMENT

NOTE: The revised statement reflects actual funds received from USAC.

** This statement may reflect adjustments to High Cost Support, included in your total net balance, for periods outside the current open 24-month pool window. These adjustments have been applied to data months outside the current window in order to re-calculate settlement results for those periods. For pooling companies, this single amount represents the net effect of adjustments to all prior data months. The adjustment effects are shown on the AS2053-OW (Average Schedule Company) or EC2053-OW (Cost Company) report. For non pooling companies, the single amount(s) are for all adjusted months identified by support fund.



Company Code: 000001264
Statement No: PS0395370
Date: Mar 05, 2019

OLIN TEL CO INC
Attn: Ms. Sheila Rouse
P.O. Box 130
Olin, IA 52320-0130

THIS IS NOT A NECA BILL

This notification is to advise you of the current month's disbursement which is being made to your company by NECA.

Direct questions to your NECA Regional Industry Relations Office

351264 OLIN TEL. CO., INC.

Current:

Current Net Balance For Feb 2019 Data Month (AS3000)	8,836.00CR	
**Adjustment Net Balance (AS/EC 2053-OW)	4.00	
* Alternative Connect America Cost Model Support (USAC)	16,544.50CR	
Current Net Balance		25,376.50CR
<hr/> Total Amount Due Exchange Carrier		25,376.50CR

You Will Receive Above Payment By Mar 29, 2019

THIS IS NOT A BILL - DO NOT REMIT PAYMENT

- * NECA estimates of Universal Service payments reflected on this statement are derived from prior month payments plus any known changes available to NECA. True-ups to these estimates will be provided in a second statement from NECA after actual payment information is available from USAC.
- ** This statement may reflect adjustments to High Cost Support, included in your total net balance, for periods outside the current open 24-month pool window. These adjustments have been applied to data months outside the current window in order to re-calculate settlement results for those periods. For pooling companies, this single amount represents the net effect of adjustments to all prior data months. The adjustment effects are shown on the AS2053-OW (Average Schedule Company) or EC2053-OW (Cost Company) report. For non pooling companies, the single amount(s) are for all adjusted months identified by support fund.

EXHIBIT C

E-mail to USAC Regarding Portal Being Closed

From: Elizabeth Pertsevoi <Elizabeth.Pertsevoi@usac.org>

Sent: Tuesday, March 12, 2019 3:03 PM

To: Roxanne K. Hacker <roxih@interstatetelcom.com>; Habib Simab <Habib.Simab@usac.org>

No, we had the HUBB open through the 3-day grace period, which was the 6th last year. It was after that that the HUBB was closed until we opened it in April.

Elizabeth Pertsevoi

(202)263-1643

elizabeth.pertsevoi@usac.org

From: Roxanne K. Hacker [<mailto:roxih@interstatetelcom.com>]

Sent: Tuesday, March 12, 2019 4:00 PM

To: Elizabeth Pertsevoi <Elizabeth.Pertsevoi@usac.org>; Habib Simab <Habib.Simab@usac.org>

Was the HUBB opened up on March 6th? It was our understanding that it was closed after the March 1st deadline and the first available date it was opened up for those who missed was the date in April.

Roxi Hacker

Regulatory Consultant

Interstate Telcom Consulting, Inc.

320-848-6641

EXHIBIT D

E-mail to USAC Regarding Reversal of Withholding

From: Roxanne K. Hacker [<mailto:roxih@interstatetelcom.com>]

Sent: Thursday, March 07, 2019 12:08 PM

To: HC Escalate <HC_Escalate@usac.org>

Subject: Olin Telephone Company

Importance: High

To whom it may concern,

Olin Telephone Company Study Area Code 351264 had their January 2019 ACAM funding withheld because of an issue with certifying HUBB locations for 2017. The company thought they certified, and with all of the confusion and issues with the system, the company thought they had completed the certification but apparently it did not get completed. As soon as they realized it, they tried to certify and the HUBB portal was closed and not reopened until April 2018 for those companies that issues with certifying. We have contacted the FCC and they indicated it is up to USAC as to whether the funding is withheld or not. We discussed it with Washington Lawyers as well. NTCA suggested we try to come to an agreement with USAC rather than dragging this into the courts and to the FCC.

The company would be willing to forgo the 7 day minimum of support, but cannot lose an entire month and another partial month of support due to the system being closed and not their fault. This money is the livelihood of a small company.

We are looking for someone within USAC that we can discuss this with. Please contact me.

Roxi Hacker

Regulatory Consultant

Interstate Telcom Consulting, Inc.

320-848-6641