



August 14, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Wisper ISP, Inc. Petition for Waiver of CAF-II Deadline for ETC Designation
Notification of *Ex Parte* Communication
WC Docket No. 10-90, AU Docket No. 17-182, WC Docket No. 14-58**

Dear Ms. Dortch:

In further support of Conexon's Opposition¹ to the Petition for Waiver of Deadline for ETC Designation ("Petition for Waiver") filed by Wisper ISP, Inc. ("Wisper" or the "Company"),

¹ Opposition of Conexon, LLC to Wisper ISP, Inc. Petition for Waiver of Deadline for ETC Designation, WC Docket No. 10-90, *et al.* (filed June 12, 2019) ("Opposition"). Wisper has argued that the Opposition is procedurally defective and should be dismissed. See Reply of Wisper ISP, Inc. to Opposition of Conexon, LLC to Petition for Waiver of Deadline for ETC Designation, WC Docket No. 10-90, *et al.*, at 5-7 (dated June 26, 2019). The Commission may give short shrift to Wisper's procedural arguments. In the first place, Wisper's reliance on § 1.925 of the Commission's rules is misplaced, because § 1.925 only applies to requests for waivers of rules for the Wireless Radio Services. See 47 C.F.R. § 1.901. The Commission has not established specific procedures to govern requests for waivers of its Part 54 Universal Service rules. Certainly, § 1.45 of the Commission's rules "impos[es] no restriction on who may file an opposition to a waiver request." *Dish Network Corp.*, 33 FCC Rcd 8456, 8460 n.39 (2018). Nor has the Commission required parties to establish standing to oppose Part 54 waiver requests. See *Wireline Competition Bureau Seeks Comment on California Department of Education Request for Waiver*, 32 FCC Rcd 10282, 10283 (WCB 2018) (inviting "interested parties" to file comments and reply comments on a request for waiver of certain E-rate rules and program requirements). Contrary to Wisper's suggestion, the Commission did not confirm in *Telesis Corp.*, 68 FCC 2d 696 (1978) that parties had to satisfy the minimum tests for standing in order to participate in all Commission proceedings. It confirmed that parties had to show "injury in fact" to establish their statutory standing as a "party in interest" under 47 U.S.C. § 309(d)(1), or a person "aggrieved" or "adversely affected," under 47 U.S.C. §§ 155(c)(4), 405(a). See *Telesis*, 68 FCC 2d at 698-99 (¶ 8). Moreover, the Commission recognized that it has "generous standing policy." *Id.* at 699 (¶ 8). Therefore, after finding that the party had "failed to meet the threshold statutory standard and thus ha[d] no standing," *id.* (¶ 9), the Commission nevertheless did not dismiss the party's application for review, but rather denied the application on its merits. See *id.* at 799-701 (¶¶ 10-15). In this case, Conexon was a CAF-II auction participant through its participation in the Rural Electric Cooperative Consortium. Wisper's assertions to the contrary are materially and factually incorrect.

Conexon submits this letter bringing to the Commission's attention new information to evaluate the merits of Wisper's Petition for Waiver of the deadline to obtain Eligible Telecommunications Carrier ("ETC") designation as a winning bidder in the CAF-II auction.²

Background

The Commission required CAF-II winning bidders to submit proof of their ETC designation as part of the CAF-II long-form application process. Such proof was required to be submitted within 180 days of the FCC Public Notice announcing an entity as a CAF-II winning bidder.³ Failure to obtain ETC designation status and submit the required documentation by the deadline is, according to the Commission, an event of default.⁴

While Wisper has attempted to paint Conexon as solely responsible for Wisper's failure to obtain ETC designation by the Commission's February 25, 2019 deadline, the facts prove otherwise.⁵ Wisper's inability to obtain ETC designation by the Commission's deadline was a result entirely of Wisper's own making, created largely by Wisper's deliberate decision to wait

See 47 C.F.R. § 1.17(a)(2). Conexon's participation in the CAF-II auction establishes Conexon as an "aggrieved" and "adversely affected" person for purposes of standing. Conexon previously has been granted standing to intervene in proceedings at the Oklahoma Corporation Commission ("OCC") and the Missouri Public Service Commission concerning Wisper's applications for ETC designations.

² Conexon filed a Motion to Intervene in Wisper's ETC application proceeding at the OCC, which was granted. *See* Order Granting Motion to Intervene, OCC Cause No. PUD 201800154, Order No. 694275 (Apr. 9, 2019). On May 24, 2019, Conexon was provided copies of Wisper's Petition for Waiver of Deadline for ETC Designation (dated Feb. 25, 2019) and Wisper's Supplement to Petition for Waiver of Deadline for ETC Designation (dated Apr. 26, 2019) ("First Supplement") by Wisper's counsel, in response to Conexon Data Request No. 3-23 in OCC Cause No. PUD 201800154. On July 2, 2019, Conexon was provided a copy of Wisper's Second Supplement to Petition for Waiver for ETC Designation, in response to Conexon Data Request No. 3-23 in OCC Cause No. PUD 201800154.

³ *See* 47 C.F.R. § 54.315(b)(5) ("No later than 180 days after the public notice identifying it as a winning bidder, the applicant shall certify that it is an eligible telecommunications carrier in any area for which it seeks support and submit the relevant documentation supporting that certification.").

⁴ *See Connect America Fund, ETC Annual Reports and Certifications; Rural Broadband Experiments*, 31 FCC Rcd 5949, 6002, ¶ 149 (2016) ("CAF-II Report and Order and FNPRM") ("[W]e will require winning bidders for the Phase II competitive bidding process to submit proof of their ETC designation as part of the long-form application process. Such proof must be submitted within 180 days of the public notice announcing them as winning bidders. Failure to obtain ETC status and submit the required documentation by the deadline is an event of default."). Because the FCC announced Wisper as a CAF-II winning bidder on August 28, 2018, the 180-day deadline by which Wisper was obligated to obtain ETC designation throughout its CAF-II winning areas in Oklahoma (and elsewhere) was February 25, 2019.

⁵ *See* Opposition at pp. 5-15.

until December 17, 2018 to file its initial CAF-II ETC application with the OCC. In discovery in the Oklahoma ETC proceeding, Wisper revealed that its decision to delay filing its ETC application in Oklahoma was deliberate, admitting that “Wisper’s counsel made the strategic determination to wait until December 17, 2018, to file the application.”⁶

The July 11, 2019 OCC Prehearing Conference and Merits Hearing Transcripts

Conexon has obtained a copy of the recently completed transcripts from the OCC’s Prehearing Conference and Merits Hearing regarding Wisper’s Oklahoma ETC application.⁷ Portions of the transcripts, discussed in the following paragraphs, will likely be of interest to the Commission as it assesses the merits of Wisper’s Petition for Waiver.

During the July 11, 2019 Prehearing Conference, the presiding Administrative Law Judge (“ALJ”), once again,⁸ scolded Wisper for attempting to blame Conexon or the OCC for Wisper’s inability to obtain ETC designation by the Commission’s February 25, 2019 deadline. During the hearing, the ALJ stated:

[L]et’s be careful about saying how long it’s taken because it sat on my desk for months before there was any action that was filed or taken... I still get a little perturbed when people start talking about how long it takes things at the Commission, but yet, the applicant has not, for the first three months, did not do anything.⁹

Wisper, the ETC applicant referred to above by the ALJ, chose to wait until December 17, 2018 to file its ETC application with the OCC. In other words, Wisper waited 81 days *after*

⁶ See Cause No. PUD 201800154, Responses and Objections of Wisper ISP, Inc. to Conexon, LLC’s Data Request No. 2, Wisper Response to Data Request No. 2-10 (emphasis added). See Opposition, Attachment B.

⁷ *Wisper ISP, Inc., Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support from the FCC Connect America Fund – Phase II*, Cause PUD No. 201800154, Notice of Transcript Completion (July 11, 2019) (“Wisper ETC Hearing Transcript”).

⁸ See Conexon Opposition at p. 7 and Attachment C; see also Feb. 28, 2019 Hearing Transcript, Docket No. PUD 201800154, p. SJ-2 (“This cause was filed December 17th. Seems like plenty of time to have a hearing, but no hearing that has been scheduled or noticed, so I think that if Counsel had been on top of this case and read the rules, we probably wouldn’t be here today. We would have been to final order in this case, or at least been farther along in this case than we are right now. We do not like to have cases start off like this, where, you know, it just sits there for several months.”).

⁹ See Wisper ETC Merits Hearing Transcript at pp. SJ-1, 16-17 (relevant pages of transcript attached as Exhibit 1).

the September 27, 2018 deadline by which CAF-II auction winning bidders are presumed to have acted in good faith in pursuing ETC designations.¹⁰

Making matters worse, Wisper's initial ETC application was riddled with fundamental errors requiring Wisper to file a total of three amended ETC applications to correct various misrepresentations and to provide additional information required of all ETC applicants by the OCC.¹¹ For example, Wisper initially misrepresented its CAF-II performance obligations in Oklahoma as requiring the deployment of broadband services providing 25/3 Mbps speeds. In fact, Wisper is obligated to provide 100/20 Mbps broadband service throughout its CAF-II winning areas in Oklahoma.

Moreover, the OCC requires all ETCs to hold a Certificate of Public Convenience and Necessity as a prerequisite to obtaining ETC designation. Wisper elected not to file its CCN application until February 1, 2019 and did not obtain its CCN authority until June 18, 2019. Conexon did not intervene in Wisper's CCN application proceeding. So, regardless of whether Conexon intervened in this matter, Wisper could not have obtained its ETC designation order from the OCC until after Wisper had obtained its CCN authorization from the OCC. Once again, all these delays are entirely of Wisper's own making.¹²

In Wisper's First Supplement to its Petition for Waiver, Wisper indicates that several factors informed Wisper's decision to file its ETC application with the OCC on December 17, 2018.¹³

First, Wisper indicates that its decision to wait until December 17, 2018 to file its ETC application with the OCC is because "OCC staff informed [Wisper's] counsel that the OCC's rules automatically grant ETC applications thirty days after notice of publication... In reliance on OCC

¹⁰ See *CAF-II Report and Order and FNPRM*, ¶¶ 152-153. To put it another way, Wisper waited 111 days after the FCC issued a Public Notice announcing that Wisper was a CAF-II winning bidder in Oklahoma (and five other states) to file its ETC application with the OCC. See *Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018*, 33 FCC Rcd 8257, Attach. A (2018).

¹¹ Wisper's first amended ETC application, which included the correction of the record by Wisper of its CAF-II broadband performance obligations in Oklahoma, was filed with the OCC on February 28, 2019 – three days after the Commission's deadline for CAF-II winning bidders to obtain ETC designation throughout their CAF-II winning areas. Wisper's second amended ETC application was filed on April 1, 2019. Wisper's third amended ETC application was filed on May 22, 2019.

¹² It is worth noting that Wisper agreed to the procedural schedule that was ultimately adopted in its ETC application proceeding in Oklahoma that contemplated a hearing on the merits to take place on July 11, 2019, therefore likely yielding a final decision on Wisper's ETC application by the OCC in late September or October 2019.

¹³ See Wisper's First Supplement at pp. 1-3.

staff advice and the streamlined process for unopposed ETC applications, Wisper reasonably believed that its ETC application would be approved in sufficient time to meet the FCC's February 25, 2019 deadline."¹⁴

In response to Wisper's assertion, OCC staff stated, under oath, during the OCC's July 11, 2019 Merits Hearing on Wisper's ETC application, that the above statement by Wisper is simply not true. Below is the relevant "Q & A" between Conexon's counsel and Jenny Dillon, a Regulatory Analyst in the OCC's Public Utility Division:

Q. In your opinion in that paragraph there where it discusses that OCC staff informed Wisper's counsel and then it goes on in talking about what the ETC process is. Do you believe that recitation is accurate as to the ETC process here in Oklahoma?

A. The representation in this supplement to petition for waiver does not accurately represent the ETC process in Oklahoma.

Q. Thank you. And do you believe that PUD staff would ever tell Wisper that that is the process in Oklahoma?

A. No. I don't believe that PUD staff would tell Wisper that that was the process for ETC designation in Oklahoma.¹⁵

Timelines for OCC Approval of CAF-II ETC Applications

Wisper also states in the First Supplement that "Wisper further understood that, based on the timelines for approval of other CAF-II ETC applications in Oklahoma, there appeared to be sufficient time for processing and approval."¹⁶

Attached as Exhibit 3 to this letter is a list of various CAF-II winning bidders in Oklahoma who required ETC designation status throughout their CAF-II winning areas, the date they filed

¹⁴ See *id.* See also 47 C.F.R. § 1.17(a)(1) ("In any investigatory or adjudicatory matter within the Commission's jurisdiction... no person subject to this rule shall [i]n any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading.").

¹⁵ Wisper ETC Merits Hearing Transcript at pp. SJ-89-92 (relevant pages of transcript attached as Exhibit 2).

¹⁶ See Wisper First Supplement at p. 2.

their ETC applications with the OCC, the OCC proceeding number, and the dates their ETC applications were granted by the OCC.

Based upon the information provided in Exhibit 3, it is difficult to find credible Wisper's alleged understanding that there would be enough time for the OCC's processing and approval of Wisper's Oklahoma ETC application, particularly given the OCC's requirement that all ETC applicants obtain CCN authorization prior to obtaining ETC designation. Wisper has stated its belief that it was to its strategic advantage to wait until December 17, 2018 to file its ETC application with the OCC and waited until February 1, 2019 to file its CCN application, but it cannot point to any OCC rule, precedent or guidance that would have led Wisper to conclude it had allowed sufficient time. Based on the actual time periods reflected in the timelines provided in Exhibit 3, it is difficult to escape the conclusion that Wisper either made representations about these time periods without knowing what they actually were, or that Wisper chose deliberately to misinterpret the time periods.¹⁷

Waiting for a Certificate of Authority

Finally, Wisper provides yet another reason for its "strategic determination" to wait until December 17, 2018 to file its ETC application with the OCC. Wisper explains that the delay was "to ensure that it was qualified to do business in the State of Oklahoma before it filed its ETC application to ensure that both were in the exact same name. On November 9, 2018, Wisper received a certificate of authority to do business from the Secretary of State."¹⁸

This explanation defies credibility.¹⁹ Wisper elected to wait until November 9, 2018 to register with the Oklahoma Secretary of State to do business in Oklahoma and then waited another 38 days to file its ETC application with the OCC. Wisper was given its Certificate of Authority from the Oklahoma Secretary of State the very same day – November 9, 2018 – that Wisper filed its registration application with the Oklahoma Secretary of State.

Of course, Wisper could have registered with the Oklahoma Secretary of State months earlier, but elected not to. This is yet another unexplained delay of Wisper's own making. Had Wisper registered with the Oklahoma Secretary of State earlier, it would have received its Certificate of Authority to do business sooner. But none of this explains why Wisper then waited an additional 38 days after registering with the Oklahoma Secretary of State to finally

¹⁷ See 47 C.F.R. § 1.17(a)(1)-(2).

¹⁸ See First Supplement at pp. 2-3.

¹⁹ See 47 C.F.R. § 1.17(a)(1) ("In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading.").

file its ETC application with the OCC and an additional 84 days after Secretary of State registration to file its CCN application.

Issues Concerning Wisper's ETC Designations in Kansas and Missouri

Some of the testimony provided by Wisper's CEO, Nathan Stooke, from the July 11, 2019 OCC Merits Hearing on Wisper's ETC application will also likely be of interest to the Commission in its consideration of the legitimacy of Wisper's ETC designation order from the Kansas Corporation Commission ("KCC").

As Conexon pointed out to the Commission in its Opposition, Wisper never corrected the record at the KCC regarding Wisper's CAF-II broadband performance obligations. Wisper's ETC designation order from the KCC is premised on Wisper's representation to the KCC that Wisper was obligated to provide only 25/3 Mbps broadband service throughout Kansas.

Wisper still has not corrected its misrepresentations to the KCC or sought a corrected ETC designation order. Frankly, this is not all that surprising considering what Wisper's CEO stated about Wisper's obligation to provide factually accurate information to the OCC and the FCC.

Below is the word-for-word exchange between Conexon's counsel and Wisper's CEO from the OCC's Merits Hearing on Wisper's ETC application:

Q. Okay. So does Wisper believe that it is obligated to accurately represent facts to the Oklahoma Corporation Commission?

A. Yes, we do both to the best of our ability.

Q. To the best of your ability. To the best of your ability means the best that you can possibly know or your efforts to know?

A. Yes.

Q. And then how about to the FCC, same question?

A. Yes.

Q. So if Wisper wasn't accurately representing facts to the OCC or the FCC would that be an issue?

A. That depends on how inaccurate they were and if they were material or not.²⁰

Given that Wisper still has yet to correct the record with the KCC with respect to Wisper's CAF-II broadband performance obligations in Kansas, Wisper must believe its misrepresentations to the KCC of Wisper's CAF-II broadband performance obligations in Kansas do not constitute a material misrepresentation. Assuming the Commission disagrees with Wisper and concludes that this is, in fact, a material misrepresentation by Wisper of its CAF-II performance obligations, the Commission must conclude that the ETC designation order granted to Wisper by the KCC is fundamentally flawed and is insufficient to satisfy Wisper's CAF-II obligation to obtain ETC designation in Kansas by February 25, 2019. As a result, the Commission must find Wisper in default with respect to its CAF-II winning bids in Kansas throughout the areas where Wisper is required to provide 100/20 Mbps broadband speeds.

Conexon also wishes to update the Commission on Conexon's pending appeal of Wisper's ETC designation order from the Missouri PSC. Conexon's joint appeal was filed with the Missouri Court of Appeals for the Western District of Missouri and remains pending.²¹

* * * * *

The facts prove conclusively that Wisper made the "strategic determination" not to take the actions necessary to obtain ETC designation from the OCC by the deadline established by Commission rule. Wisper's attempt to justify its decision to deliberately delay pursuing ETC designation in Oklahoma lacks credibility. This conclusion is convincingly reinforced by statements made in the Wisper ETC Merits Hearing Transcript and discussed above.

²⁰ Wisper ETC Merits Hearing Transcript at pp. SJ-22-23 (relevant pages of transcript attached as Exhibit 4).

²¹ See *Conexon, LLC v. Missouri Public Service Comm.*, Mo. Ct. App., W.D., Appeal No. WD82727 (filed July 12, 2019).

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Wisper has not provided facts that merit granting Wisper's Petition for Waiver. Therefore, the Commission should deny Wisper's Petition for Waiver.

Respectfully submitted,

/s/

Jonathan Chambers
Partner
Conexon, LLC

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Phone: (202) 798-3885
E-mail: jonathan@conexon.us

Exhibit 1

BEFORE THE CORPORATION COMMISSION
OF THE STATE OF OKLAHOMA

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Wisper ISP, Inc.

Application for Designation as an Eligible Telecommunications Carrier for Purposes of Receiving Federal Universal Service Support From the FCC Connect America Fund - Phase II)
) CAUSE PUD NO. 201800154
)
)

NOTICE OF TRANSCRIPT COMPLETION

JULY 11, 2019

OFFICIAL REPORTER:
SUSAN JOHNSON C.S.R.

5 THE COURT: And if I could interrupt you here, Mr.
6 Jacobson. The first hearing in this cause I don't think
7 that you were representing your client.

8 MR. JACOBSON: I was not.

9 THE COURT: I think that there were other
10 attorneys involved and I was a little upset that it had
11 taken that long to even come before an ALJ. And so I think
12 let's be careful about saying how long it's taken because
13 it sat on my desk for months before there was any action
14 that was filed or taken.

15 I understand later from representations made in the
16 motion dockets that I think PUD and Wisper were, you know,
17 talking and evaluating and doing their review but just -- I
18 think because I made that statement at the first hearing
19 I'm going to reiterate it now, that when a cause is filed
20 I'm not sure that that should be the first time that a
21 company and PUD decide to discuss the matter.

22 And I mean I really want to see these causes, you
23 know, when they're filed let's process them. Let's act on
24 things and not let something sit out for for six months or
25 more; so I understand what you're saying and you were not

1 involved at that time but because I said it earlier on in
2 the case let me just reiterate.

3 I was a little upset and disappointed at the point.
4 Since then I've learned that other things were going on but
5 I still get a little perturbed when people start talking
6 about how long it takes things at the Commission, but yet,
7 the applicant has not, for the first three months, did not
8 do anything; so continue knowing -- I mean, I am well aware
9 and I'll say it for the third time, you were not the
10 attorney on this cause at that point so I'm not in any way
11 besmirching your character or reputation or anything like
12 that just, in general, that is something that -- let's be
13 careful about saying that. Thank you.

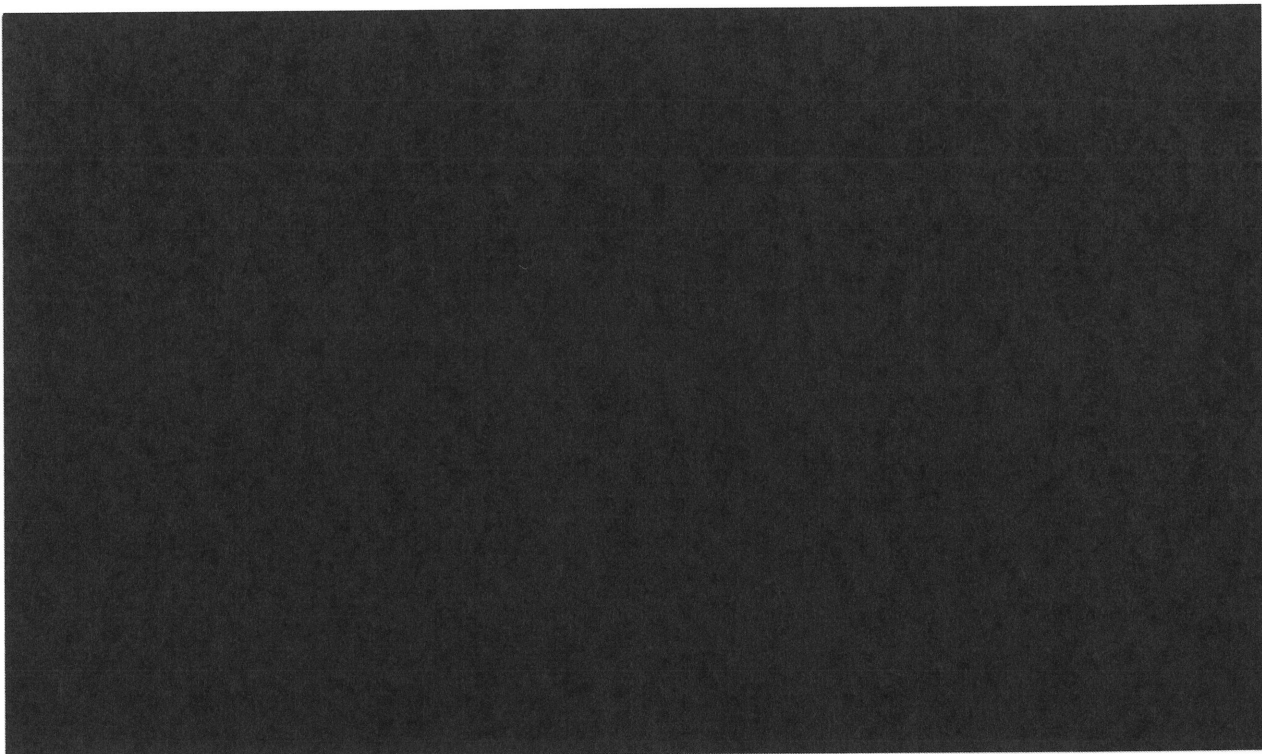


Exhibit 2

1 MS. HENSLEY: PUD would like to call J. D to the
2 stand.

3 (The witness was sworn.)

4 THE COURT: Thank you please be seated.

5 THE COURT: Ms. Hensley.

6 JENNY DILLON

7 the witness hereinbefore named, being first duly cautioned
8 and sworn or affirmed to tell the truth, the whole truth,
9 and nothing but the truth, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 Q. BY MS. HENSLEY: Would you please state your name and
13 spell it for the court reporter?

14 A. Jenny Dillon. J-E-N-N-Y D-I-L-L-O-N.

15 Q. Are you the same Jenny Dillon who pre-filed testimony
16 in this cause on May 29 and then filed a supplement to that
17 testimony on June 25?

18 A. Yes.

19 Q. Do you have any corrections or additions that you would
20 like to make to that testimony?

21 A. No.

22 Q. Have you previously testified before the Oklahoma
23 Corporation Commission?

24 A. Yes.

25 Q. At that time were you credentials accepted?

1 A. Yes.

2 MS. HENSLEY: Your Honor I would like to move that
3 Ms. Dillion be admitted as an expert to testify in this
4 matter and also that both of her pre-filed testimony be
5 admitted into the record.

6 THE COURT: Her testimony has been. She's
7 qualified.

8 MS. HENSLEY: Okay. I have no other questions.

9 THE COURT: Thank you. Mr. Jacobson?

10 MR. JACOBSON: I have no questions your Honor.

11 THE COURT: Okay. Mr. Torrone?

12 MR. TORRONE: Yes, your Honor. Very brief.

13 CROSS-EXAMINATION

14 Q. BY MR. TORRONE: How are you Ms. Dillon?

15 A. I'm good. How are you?.

16 MR. TORRONE: May I ask someone to help me? What
17 exhibit number was that? Was that exhibit five?

18 MR. JACOBSON: No. Five was the FCC.

19 THE COURT: So it's got to be four.

20 Q. BY MR. TORRONE: In that binder to your left would you
21 mind taking a look at Tab 50, which is exhibit four?

22 A. Tab 50?

23 Q. Yes ma'am. Can you tell us what that is?

24 A. Response and objection of Wisper ISP Inc, to Conexon
25 LLC's data question number three.

1 Q. Are you familiar with those responses and objections?

2 A. Yes.

3 Q. So behind that there's a sticky tab. I think it says
4 first supplement on it?

5 A. Okay.

6 Q. And there's -- I think it's the last full paragraph on
7 that page. And were you here earlier when I was
8 cross-examining Mr. Stooke?

9 A. Yes.

10 Q. I had asked him during that cross-examination if that
11 first supplement that was filed by Wisper with the FCC
12 regarding its request for a waiver of the ETC certification
13 deadline. Represented the proper procedure here at the
14 Commission for processing ETC applications. Did you hear
15 me talking about that?

16 A. Yes.

17 Q. In your opinion in that paragraph there where it
18 discusses that OCC staff informed Wisper's counsel and then
19 it goes on in talking about what the ETC process is.

20 Do you believe that recitation is accurate as to the
21 ETC process here in Oklahoma?

22 A. The representation in this supplement to petition for
23 wavier does not accurately represent the ETC process in
24 Oklahoma.

25 Q. Thank you. And do you believe that PUD staff would

1 ever tell Wisper that that is the process in Oklahoma?

2 A. No. I don't believe that PUD staff would tell Wisper

3 that that was the process for ETC designation in Oklahoma.

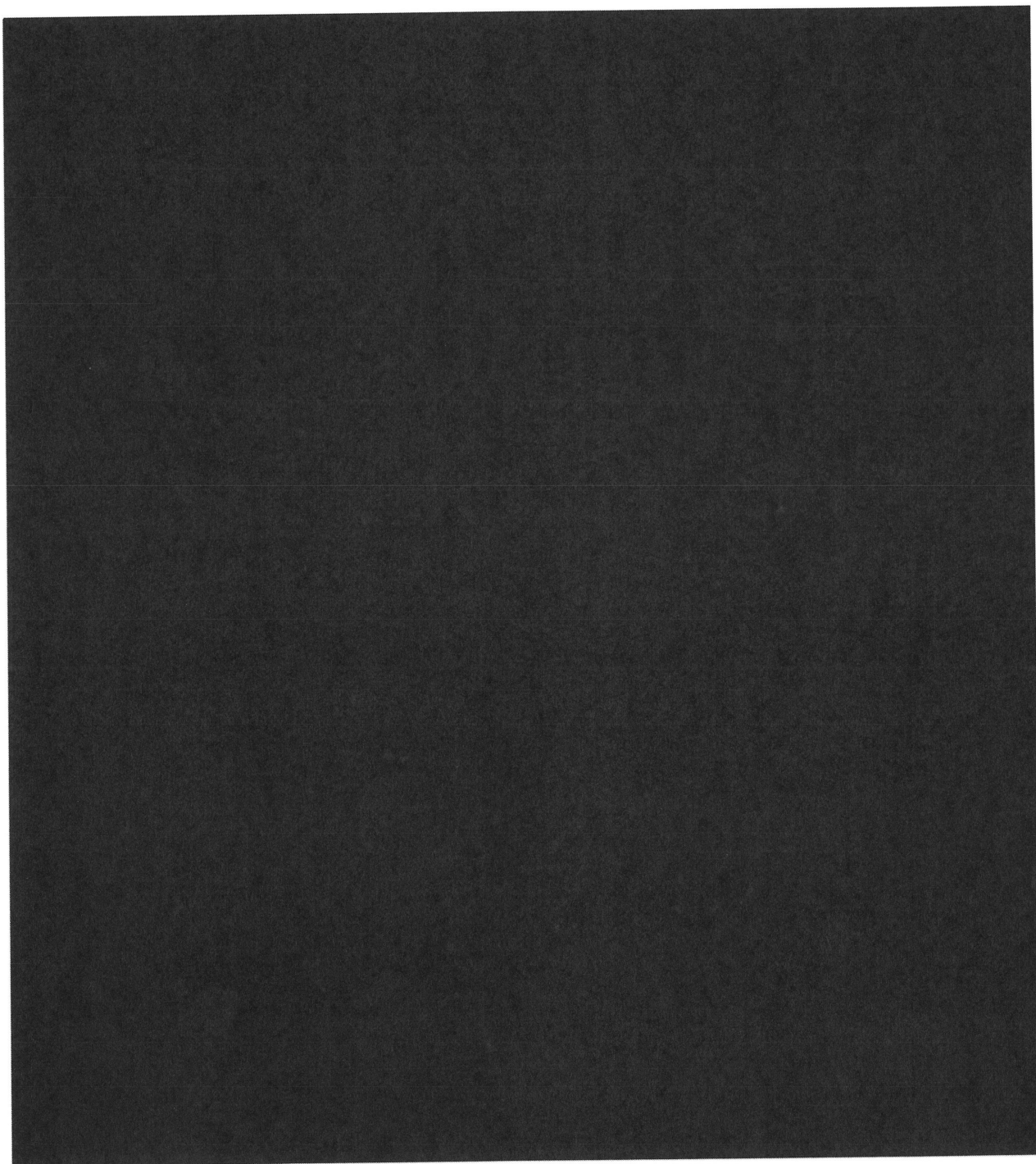


Exhibit 3

**List of Various Oklahoma CAF-II Winning Bidders Requiring ETC Designation
in Their Respective CAF-II Winning Areas**

AMG Technology Investment Group LLC

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800118
ETC Order Date: 2/21/2019 -- 691747

Aristotle Unified Communications, LLC (Part of ArisWave Consortium)¹

ETC Filing Date: 11/29/2018
OCC Cause No.: 201800149
ETC Order Date: 2/21/2019

AtLink Services (Part of Consortium 903)

ETC Filing Date: 9/14/2018
OCC Cause No.: 201800107
ETC Order Date: 1/24/2019 – Order No. 690248

Cherokee Telephone Company (Part of Consortium 903)

ETC Filing Date: 09/14/2018
OCC Cause No.: 201800108
ETC Order Date: 2/6/2019 – Order No. 690983

Cim-Tel Cable, Inc. (Part of NBVDS Investment, LLC)

ETC Filing Date: 9/17/2018
OCC Cause No.: 201800109
ETC Order Date: 1/30/2019 – Order No. 690560

¹ Unlike Wisper, Aristotle filed its CCN application on December 13, 2018 in OCC Cause No. 691069. Aristotle's CCN application was granted by the OCC on February 7, 2019 in OCC Cause No. 691069. However, by pursuing its CCN authorization more than 7 weeks prior to Wisper, Aristotle was able to obtain its ETC designation from the OCC in advance of the Commission's Feb. 25, 2019 deadline. In addition, unlike Wisper, Aristotle did not misrepresent its CAF-II broadband performance obligations to the OCC.

Cross Cable Television, LLC (Part of NBVDS Investment, LLC)

ETC Filing Date: 9/17/2018
OCC Cause No.: 201800110
ETC Order Date: 1/30/2019 – Order No. 690561

Cross Wireless, LLC

ETC Filing Date: 9/28/2018
OCC Cause No.: 201800126
ETC Order Date: 1/30/2019 – Order No. 690562

ECO Services, LLC (Part of Rural Electric Cooperative Consortium)

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800116
ETC Order Date: 2/14/2019 – Order No. 691380

Oklahoma Fiber, LLC (Part of Rural Electric Cooperative Consortium)

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800120
ETC Order Date: 7/11/2019 – Order No. 698987

OzarksGo, LLC (Part of Rural Electric Cooperative Consortium)

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800115
ETC Order Date: 2/14/2019 – Order No. 691379

Pine Cellular Phones, Inc.

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800113
ETC Order Date: 1/15/2019 – Order No. 689724

Plains Internet, LLC²

ETC Filing Date: 11/1/2018
OCC Cause No.: 201800137
ETC Order Date: 2/21/2019 – Order No. 691748

Southern Plains Cable, LLC (Part of Hilliary Communications Consortium)

ETC Filing Date: 9/27/2018
OCC Cause No.: 201800117
ETC Order Date: 2/6/2019 – Order No. 690984

WAVE Rural Connect, LLC (Part of Rural Electric Cooperative Consortium)

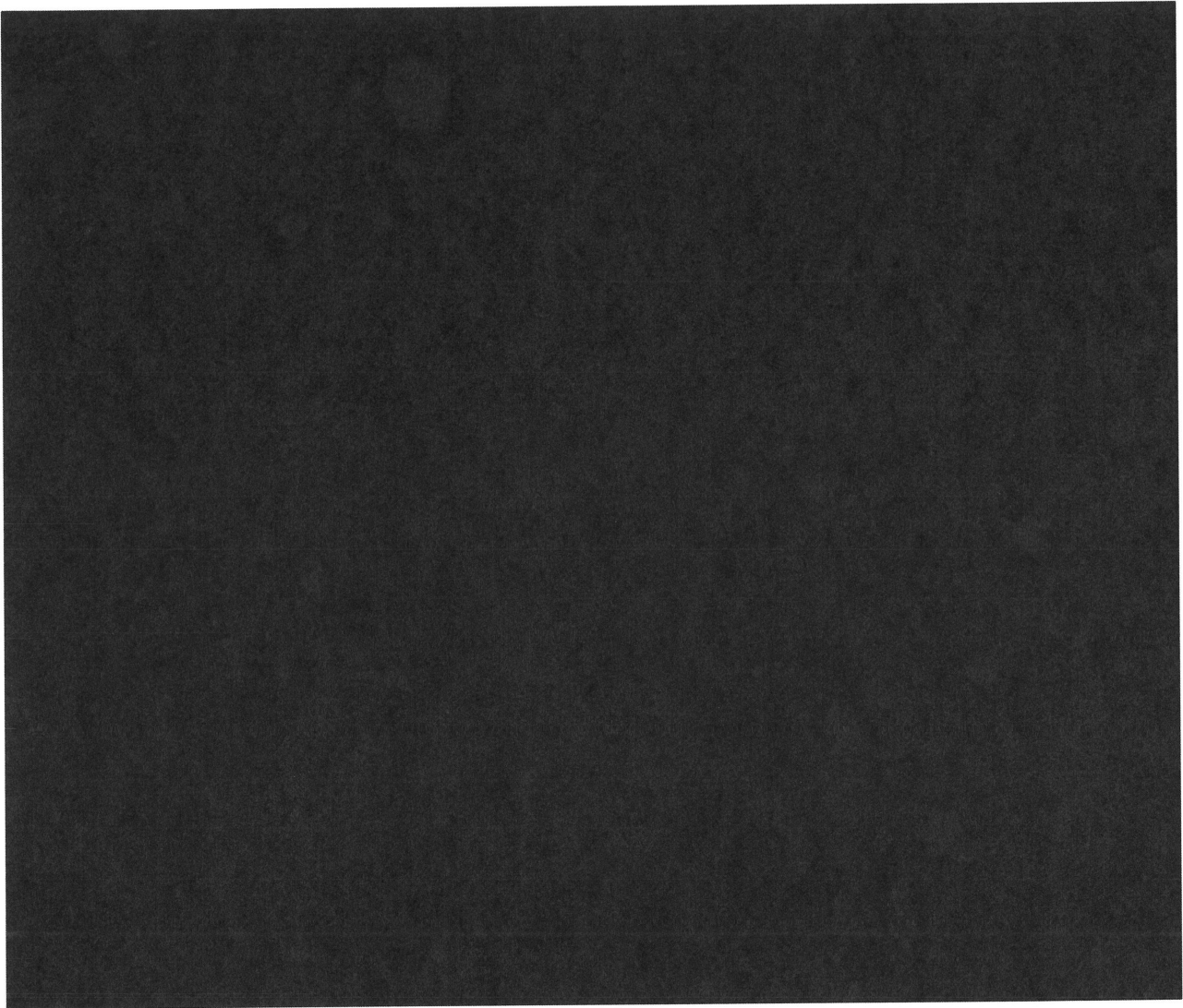
ETC Filing Date: 9/27/2018
OCC Cause No.: 201800114
ETC Order Date: 2/14/2019 – Order No. 691378

Workable Programs & Systems, Inc. (WPS)

ETC Filing Date: 3/8/2018
OCC Cause No.: 201800025
ETC Order Date: 9/11/2018 – Order No. 682733

² Plains Internet, LLC (“Plains Internet”) filed its CCN application on November 1, 2018 in OCC Cause No. 201800136. Plains Internet’s CCN application was approved by the OCC on January 31, 2019 in OCC Order No. 690636.

Exhibit 4



18 Q. Okay. So does Wisper believe that it is obligated to
 19 accurately represent facts to the Oklahoma Corporation
 20 Commission?

21 A. Yes, we do both to the best of our ability.

22 Q. To the best of your ability. To the best of your
 23 ability means the best that you can possibly know or your
 24 efforts to know?

25 A. Yes.

1 Q. And then how about to the FCC, same question?

2 A. Yes.

3 Q. So if Wisper wasn't accurately representing facts to
4 the OCC or the FCC would that be an issue?

5 A. That depends on how inaccurate they were and if they
6 were material or not.

7 Q. Okay. So is it possible for something that's -- what
8 would be a material misrepresentation versus one that's
9 not?

10 A. I don't know. I'll leave it to you to come up with
11 something like that. I don't know. I'm not going to
12 surmise.

13 Q. Okay. I'm just trying to figure out. Are you saying
14 that as long as it's not a big misrepresentation it's
15 okay?

16 A. No. I would say that it's the same thing we sign on
17 all our lease and loan documents, the errors and omission
18 that you didn't do something right, or something you had to
19 come back to do, or maybe you didn't have something quite
20 right you have the ability to say, well, we made a mistake.
21 This isn't the way it should be.

22 Q. Okay. So how much money is Wisper getting in CAF II?

23 A. How many money in total?

24 Q. Total.

25 A. 220 million.