

**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
	)	
Rural Broadband Experiments	)	WC Docket No. 14-259
To: The Commission		

**Statement in Support of  
Joint Petition for Reconsideration  
of the  
National Rural Electric Cooperative Association and United Technology Council**

**Roanoke Electric Cooperative** submits this Statement in Support of the Joint Petition for Reconsideration submitted by NRECA and UTC that seeks reconsideration of the decision in the Report and Order and Further Notice of Proposed Rulemaking adopted on May 25, 2016,<sup>1</sup> to exclude census blocks in non-winning Category 1 bid rural broadband experiment applications in which (i) a price cap carrier serves with speeds of at least 10/1 Mbps or (ii) an unsubsidized competitor provides service, based on recent Form 477 data.<sup>2</sup>

**INTRODUCTION**

(1) Roanoke Electric Cooperative is a distribution electric cooperative serving approximately 14,500 metered accounts in northeastern North Carolina. Our region is one of the most economically distressed in the nation, suffering from high unemployment, low performing

---

<sup>1</sup> *Connect America Fund et al.*, WC Docket No. 10-90 et al, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-64, rel. May 27, 2016 (“Report and Order”).

<sup>2</sup> *Id.* at paras. 70 and 72, n. 144.

schools and high rates of poverty. Broadband connectivity is a critical component of our economic recovery, education system improvements and overall ability to re-shape our economy and improve the quality of life for our citizens

## DISCUSSION

- Support NRECA and UTC's points that the Commission ruled clearly and unequivocally in December 2014 regarding the interplay between the Rural Broadband Experiments and the Phase II CAF auction:

*"We conclude that excluding from the offer of model-based support any census block included in a non-winning rural broadband experiment application submitted in funding category one will ensure the more efficient use of Connect America support."*<sup>3</sup>

- The reversal of this ruling with neither notice nor opportunity for comment violates both the letter and spirit of Section 553 of the Administrative Procedure Act.<sup>4</sup> We relied on the FCC's statements, believing the agency meant what it said when it ruled that all census blocks in non-winning Category 1 applications would be included in the CAF II auction.
- The Report and Order excludes census blocks from non-winning Category 1 applications from the Phase II auction in which the price cap carrier offers 10/1 Mbps, even though the Baseline Performance Tier adopted in the Report and Order is 25/3 Mbps. This ruling effective extends the digital divide – the closure of which is a main reason electric cooperatives are proposing to build and maintain broadband networks.

---

<sup>3</sup> *Connect America Fund et al*, Report and Order, 29 FCC Rcd 15644 (2014) ("*December 2014 Connect America Order*").

<sup>4</sup> 5. U.S.C. §553 (2012).

Respectfully submitted,



Curtis Wynn  
President & CEO  
Roanoke Electric Cooperative  
P. O. Drawer 1326  
Ahoskie, NC 27910  
252-209-2224  
cwynn@roanokeelectric.com

Dated: August 23, 2016

4834-0358-0725, v. 1