

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58

EMERGENCY REQUEST FOR EXPEDITED TREATMENT

**PETITION OF GRAND RIVER MUTUAL TELEPHONE CORPORATION
FOR WAIVER OF DEADLINE TO SUBMIT FORM 477 REVISIONS**

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Grand River Mutual Telephone Corporation (“GRM” or the “Company”) hereby requests waiver of the timeframe by which rate-of-return incumbent local exchange carriers (“RoR ILECs”) were to submit revisions to their June 2015 FCC Form 477 data in order for the revisions to be incorporated in the Alternative Connect America Model (“A-CAM”) (“March 30 Timeframe”).² As explained herein, special circumstances warrant a deviation from

¹ 47 C.F.R. § 1.3.

² See *Connect America Fund; ETC Annual Reports and Certifications; Developing a Unified Intercarrier Compensation Regime*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 14-58, CC Docket No. 01-92, FCC 16-33 ¶ 56 (rel. March 30, 2016) (“*Rate-of-Return Reform Order*”).

this timeframe for A-CAM v2.3 that was offered to RoR ILECs on August 3, 2016³ due to an inadvertent clerical error. This error consisted solely of census blocks being reported as served by both fiber and copper, when in reality they are only were served with copper. As such, these blocks are ineligible for A-CAM funding, but GRM had intended to utilize A-CAM funding to deploy fiber in these blocks. On September 21, 2016, the Company revised its June 2015 Form 477 data to correct this inadvertent error and seeks waiver of the March 30 Timeframe to allow the revised Form 477 data for the Company's Missouri study area (421888) to replace the incorrect data in A-CAM v2.3. Inclusion of GRM's corrected data in this version of the A-CAM will ensure that the most accurate broadband deployment information in GRM's study area is used to base critical funding decisions for the next decade and enable GRM to fulfill its commitments to the rural residents in its service area and satisfy its ETC obligations.⁴

I. Background

GRM's ILEC operations are extremely rural in nature spanning over 2900 square miles and including 32 exchanges over 12 counties in northern Missouri. The unserved and underserved locations are typically in parts of the study area that have approximately 5 or fewer homes per square mile. Using the FCC's broadband deployment percentages for rate-of-return carriers, GRM still needs to extend 10/1 Mbps or greater broadband to approximately 61 % of its study area, or approximately 1769 square miles and 4300 subscribers. The inadvertent error, discovered in GRM's Form 477 data, explained below, will ultimately reduce the amount of A-CAM support that GRM should be eligible to receive by over \$1.4 million per year.

³ See *Wireline Competition Bureau Announces Support Amounts Offered to Rate-of-Return Carriers to Expand Rural Broadband*, WC Docket No. 10-90 (rel. August 3, 2016), DA 16-869, ("A-CAM Offer Public Notice").

⁴ GRM recognizes that the Wireline Competition Bureau recently released an Order denying two requests for waiver of the March 30 timeframe, however GRM believes that the facts in this case demonstrate "good cause" for granting this petition.

II. GRM's Form 477 Error and Revision

GRM timely filed its June 2015 Form 477 data on September 1, 2015. However, the source of the error goes back to 2014 when the Company got information from the National Broadband Map (“NBM”) to complete the deployment section of the Form 477 (GRM did not have a more accurate source for census block information). In the summer of 2015, GRM reviewed its Form 477 data to make sure it was correct for the A-CAM. As a small company, GRM did not have internal resources that could calculate what facilities were deployed in each of the over 4200 census blocks in its service territory in Missouri. The Company enlisted an engineering firm to use plant records and provide the information on what technologies were deployed in each census block, because there were serious doubts about the accuracy of the NBM. GRM was particularly concerned about the data for Bethany and Princeton exchanges, which had fiber deployed in the towns but copper deployed in the rural areas.

The engineering firm provided separate Excel spreadsheets listing the census blocks that were fiber only and the census blocks that were copper only, which GRM used for the 477 deployment data to revise its December 2014 477 data and reports going forward. After A-CAM v2.3 was released, eliminating fiber-served blocks from support, GRM reviewed the results by looking at maps prepared by its consultants showing which blocks were eligible for support. The Company then realized that in its Form 477 reports many of the blocks were inadvertently listed in both of the fiber deployment and copper deployment spreadsheets provided by the engineering firm that had been used for the Form 477 reports. The result was that blocks were reported as having fiber when they do not. In this petition, GRM demonstrates that under these special

circumstances, “good cause” exists and the public interest would be advanced by deviating from the March 30 Timeframe to allow the September 2016 Correction to replace the incorrect data in A-CAM v2.3.

III. Good Cause Exists to Grant GRM’s Waiver

Waiver of a Commission rule is warranted if “good cause” is shown.⁵ The Commission “may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest,” or alternatively, where “special circumstances warrant a deviation from the general rule and such a deviation will serve the public interest.”⁶ As shown herein, this situation constitutes a special circumstance that warrants a deviation from the March 30 Timeframe. Indeed, the public interest would be advanced by inclusion of GRM’s September 2016 Correction in the A-CAM.

GRM faces challenges in providing advanced communications services to its extremely rural subscribers, and these challenges are exacerbated by environmental and seasonal conditions and the very long loops needed to reach the most rural customers. Despite these environmental hardships, GRM’s commitment to providing the most advanced telecommunications and broadband services to its rural consumers remains steadfast.

Grant of this waiver will allow A-CAM support to be distributed based upon accurate Form 477 data which in turn will allow individuals in rural areas in Missouri to receive scalable high-speed broadband as envisioned by the FCC for those carriers electing A-CAM. The cost of

⁵ See 47 C.F.R. § 1.3 (Waiver of a Commission rule is warranted “if good cause therefor is shown.”). See also *Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (“*WAIT Radio*”).

⁶ *Northeast Cellular*, 897 F.2d at 1166 (citation omitted), 1164; see also *WAIT Radio*, 418 F.2d at 1159. The Commission has applied this waiver standard in the context of Section 51.917(b).

deploying a network capable of meeting the FCC requirements is expensive and it will be difficult to meet the requirements in the affected areas without A-CAM support.

GRM also emphasizes that it is in the Commission's best interest, and in the public interest, to rely on the most accurate information available as a matter of good policy. GRM was not aware that its Form 477 data had an error until after the release of A-CAM v.2.3. When GRM discovered in September that the result of the decrease in locations and funding was due to the inadvertent error, it immediately took steps to revise its Form 477 data and file this instant petition.

IV. Conclusion

Due to the special circumstances presented herein, the Commission should deviate from the March 30 Timeframe to allow for inclusion of GRM's September 2016 Form 477 revision to be included in A-CAM v.2.3. GRM urges the Commission to expeditiously grant this waiver prior to the November 1 deadline to submit A-CAM election notices so that the Company has ample time to review its A-CAM v2.3 results based on accurate broadband deployment data in its study area.

Respectfully submitted,

/s/ Ronald T. Hinds

Ronald T. Hinds, Chief Executive Officer
Grand River Mutual Telephone Corporation

Filed September 23, 2016

Attachment

Revised
9/2/16



Form 477 - Local Telephone Competition and Broadband Reporting

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