

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**PETITION OF JEANNE DIETSCH FOR WAIVER TO
ACCEPT CERTAIN MOBILITY FUND CHALLENGE RECORDS**

Jeanne Dietsch is a Senator for District 9 in the State of New Hampshire, and has been involved in the submission to USAC of test records collected by and submitted on behalf of: the City of Keene, NH; Towns of Haverhill, Peterborough, Stoddard, and Wolfeboro, NH; Cheshire County, NH; Greater Keene Chamber of Commerce; Lakes Region Planning Commission; and Southwest Region Planning Commission, among others. Ms Dietsch respectfully seeks a waiver pursuant to Section 1.3 of the Commission’s rules regarding certain Mobility Fund II Challenge records that were submitted and certified on November 26, 2018. Specifically, Ms. Dietsch requests that the Commission waive its rule regarding specific cellular phone sets adopted in the MF-II Challenge Process Order, 32 FCC Rcd 6282, 6308, para. 49 (“all speed tests [to] be conducted . . . on pre-approved handset models”). The Commission has authority to waive its rules if there is "good cause" to do so, and where strict compliance with the rules is not in the public interest.

I. BACKGROUND

In August 2017, the Commission announced a one-time data collection with specified data parameters tailored to MF-II.¹ The Commission required mobile wireless broadband providers to file lists of cellular telephone sets that the provider approved for use in testing download speeds on the provider's network, as contemplated in the Commission's orders.²

The Challenge Process started on March 29, 2018, and was originally scheduled to conclude on August 27, 2018, however, Chairman Pai directed the FCC to extend the challenge process deadline by 90 days.³ New Hampshire volunteers and organizations raised funds to purchase phones, plans and testing programs, and devoted hundreds of hours to driving around the state conducting tests. The various towns, cities and organizations designated Kath Mullholand as the government official that would compile, upload and certify the results. Ms. Mullholand submitted the results to the Universal Service Administrative Company ("USAC") challenge process portal and certified them on November 26, 2018.

II. REQUEST FOR WAIVER

The Challenge Process first came to the attention of various stakeholders when the FCC made a presentation at the NH PUC offices on May 22, 2018. The Keene Chamber of Commerce stepped in with funds to purchase a few phone sets, however the wrong T-Mobile sets were purchased. Acceptable test results began to trickle in on September 11, and Ms Mullholand worked to ensure the results could be uploaded to the USAC portal. During this process, it came

¹ *Universal Service Reform – Mobility Fund*, [Order on Reconsideration and Second Report and Order](#), WT Docket No. 10-208, at ¶ 7 (rel. Aug. 4, 2017) ("*Second R&O*").

² *Second R&O* at ¶ 34.

³ *Universal Service Reform – Mobility Fund*, [Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order](#), WT Docket No. 10-208 (rel. Aug. 21, 2018).

to light that the T-Mobile phones being used were not on the list of approved phones. The non-compliant sets were replaced with acceptable sets after September 30, but there are approximately 2500 test records that were collected on the wrong sets. Ms. Mullholand notified T-Mobile of the situation, and T-Mobile agreed to support a request for a waiver.

Specifically, in the submitted data for NH there are 702 records on T-Mobile device IMEI 355982083098301, and 1,677 records on T-Mobile device IMEI 355982082268418. Of these, some records were duplicates or invalid for other reasons; the total number of records requiring a waiver is 2,335.

Ms. Dietsch believes the public interest is served by granting the request.

III. CONCLUSION

For the above-stated reasons, Ms. Dietsch respectfully requests a waiver to accept the records described above. The parties sought and received the support of T-Mobile for this request.

Respectfully submitted,

JEANNE DIETSCH

/s/ *Jeanne Dietsch*

Senator, State of New Hampshire, District 9

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November 27, 2018

Submitted electronically through the FCC ECFS portal.