

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**REPLY COMMENTS OF THE
EASTERN RURAL TELECOM ASSOCIATION**

EMERGENCY REQUEST FOR EXPEDITED TREATMENT

**PETITION OF WILKES TELEPHONE MEMBERSHIP CORPORATION FOR
LIMITED WAIVER OF 47 C.F.R. § 51.917(c)**

I. INTRODUCTION

The Eastern Rural Telecom Association (“ERTA”)¹ respectfully submits these comments in response to a Public Notice issued by the Commission on August 12, 2014 and in response to comments filed by NTCA-The Rural Broadband Association (“NTCA”) on September 11, 2014.

¹ ERTA is a trade association comprised of community based local exchange companies and support companies providing telecommunications services to rural customers in the Eastern half of America. ERTA member Rural Local Exchange Carriers (“RLECs”) are providers of local, long distance, wireless, cable television, IPTV, wireless backhaul, and broadband Internet service.

The Public Notice asked for comments concerning a petition filed by Wilkes Telephone Membership Corporation (“Wilkes”)². Wilkes had filed a petition seeking a waiver of 47 C.F.R. § 51.917(c) in order to include unpaid amounts billed to Halo Wireless, Inc. (“Halo”) in its Carrier Base Period Revenue. ERTA notes the comments filed by NTCA in support of Wilkes’ petition were the only comments filed. There were no comments filed against Wilkes.

II. GOOD CAUSE HAS BEEN DEMONSTRATED TO GRANT THE PETITION

Wilkes is a RLEC that serves a high cost area in “mountainous rural areas of western North Carolina.”³ As NTCA pointed out, Wilkes demonstrated that it was active in its attempt to bill and collect from Halo.⁴ By not being able to collect access and reciprocal compensation revenues from Halo, Wilkes has been harmed financially because what it reported for Fiscal Year 2011 Base Year Revenues was artificially low as a result. Wilkes has demonstrated there is good cause to grant the waiver request. As NTCA noted, “[g]ranteeing Wilkes’ request is clearly in the public interest.”⁵

Granting Wilkes’ petition will be consistent with the actions taken by the Commission in its August 7, 2014 Order granting similar petitions filed by TDS Telecommunications Corp., Cimarron Telephone Company, L.L.C., Cross Telephone Company, L.L.C., and The Pottawatomie Telephone Co., L.L.C.⁶ As the Commission noted, Halo operated an “access avoidance scheme”⁷ and that prevented Wilkes from collecting what was properly billed. The Commission correctly

² Petition of Wilkes Telephone Membership Corporation for Limited Waiver of 47 C.F.R. § 51.917(c), CC Docket Nos. 01-92, 96-45, WC Docket Nos. 03-109, 05-337, 07-135, 10-90, WT Docket No. 10-208, filed April 14, 2014 (“Petition”).

³ Petition at p. 2.

⁴ NTCA Comments at p. 3.

⁵ Id. at p. 5.

⁶ In the Matter of Connect America Fund, Developing a Unified Intercarrier Compensation Regime, Petitions for Waiver of Section 51.917(b)(7) of the Commission’s Rules, WC Docket No. 10-90, CC Docket No. 01-92, “Order” (adopted August 7, 2014) (“Order.”)

⁷ Id. at 9.

concluded “that inclusion of the revenues associated with unpaid amounts billed to Halo in the BPR calculations, coupled with appropriate safeguards, would produce more accurate recovery calculations.”⁸

IV. CONCLUSION

ERTA believes Wilkes has shown good cause to grant its petition. NTCA filed comments in support of its petition and no party opposed the petition. The Commission has granted similar petitions and should grant Wilkes’ petition as well.

Respectfully submitted,

EASTERN RURAL TELECOM ASSOCIATION

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⁸ Id. at 18.