

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

In the Matter of)	
)	
Development of Nationwide Broadband)	WC Docket No. 07-38
Data to Evaluate Reasonable and Timely)	
Deployment of Advanced Services to All)	
Americans, Improvement of Wireless)	
Broadband Subscribership Data, and)	
Development of Data on Interconnected)	
Voice over Internet Protocol (VoIP))	
Subscribership)	
)	

REQUEST FOR WAIVER

SRT Communications, Inc. (“SRT”), by its attorneys and pursuant to Section 1.3 of the Commission's Rules,¹ hereby requests a waiver of the December 11, 2014 deadline to file FCC Form 477 (Local Telephone Competition and Broadband Report). Despite diligent efforts to comply with the Commission’s deadline, SRT encountered numerous and unforeseen difficulties with the Form 477 filing interface, most recently with regard to uploading its Mobile Broadband Deployment and Mobile Voice Deployment shapefiles. SRT worked expeditiously with Commission staff to resolve the issue and submit its filing as quickly as possible, but was not able to do so by the December 11 deadline. Accordingly, SRT respectfully requests a waiver of the filing deadline, which would serve the public interest by allowing SRT submit complete, accurate data to the Commission.

¹ 47 C.F.R. 1.3.

I. Factual Background

In June of 2013, the Commission made significant revisions to Form 477 to effectively consolidate that information collection with the National Telecommunications and Information Administration's State Broadband Initiative data collection.² To accommodate the new Form 477 filing, the FCC developed and implemented a new Form 477 data collection interface, which was originally scheduled to begin accepting filings on July 31, 2014.³ However, due to technical difficulties, the filing interface did not actually open until November 20, 2014.⁴

SRT collected the data required for its Form 477 in advance of the filing window and promptly began the process of inputting and uploading that data as soon as possible. Throughout the process, however, SRT encountered numerous system errors that ultimately prevented it from timely submitting its filing. For example, SRT worked with FCC staff via phone and email on several occasions to resolve an issue with its fixed broadband data, which was formatted for different speed tiers of broadband for single census blocks. Fixing the issue required SRT's information technologist to reprogram its software to correctly report the data. Another issue involved data from SRT's billing vendor which was not provided to SRT in a format compatible with the filing interface. Fixing this issue required SRT to work with its billing vendor to reformat the data.

On December 11, the filing deadline, the system would not accept file uploads from SRT. SRT notified the Commission of the issue, and was informed on December 12th that, "The Commission [was] fully aware of the problem and working to resolve [sic] as quickly as

² *In the Matter of Modernizing the FCC Form 477 Data Program*, Report and Order, WC Docket No. 11-10, FCC 13-87, released June 27, 2013.

³ *Id.*; see also, *New Form 477 Filing Interface Will Begin Accepting Data as of June 30, 2014 on July 31, 2014*, Public Notice, DA 14-801, released June 11, 2014.

⁴ *Form 477 Filing Interface Reopened; Filings of Data as of June 30, 2014 Due December 11, 2014*, Public Notice, DA 14-1668, released November 20, 2014.

possible.”⁵ Also on December 12, SRT requested Commission assistance regarding invalid block code and character limitation error codes on the new interface, received a response on the 15th, and resolved the issue on the 22nd. Most recently, SRT was unable to upload its Mobile Broadband Deployment and Mobile Voice Deployment shapefiles due to an issue with the format of certain values in the shapefiles’ attribute tables.

In trying to make its filing of this new report, SRT filed help requests and coordinated directly with Commission staff, and sought outside assistance where appropriate. Nevertheless, SRT was not able to finalize and file its Form 477 by the December 11 deadline.

II. Good Cause Exists for Waiver of the Deadline

Section 1.3 of the Rules permits the Commission's rules to be waived for good cause shown. Good cause is shown “if special circumstances warrant deviation from the general rule and such deviation will serve the public interest.”⁶ In this case, special circumstances warrant a waiver of the December 11 Form 477 filing deadline. As noted above, the Commission has significantly revised the Form 477 data collection, and has implemented a new filing interface that entities are working with for the first time. The numerous errors encountered by SRT were a result of the need to work through quirks with the new interface and associated data formats. Indeed, in correspondence with SRT, Commission staff assisting SRT noted that many carriers were experiencing difficulty with the new system and SRT is aware of at least one other carrier,

⁵ Response of FCC Licensing Support Center to Jody VanCuren, December 12, 2014 (attached).

⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

Southern Communications Services, Inc., d/b/a SouthernLINC Wireless, which appears to have encountered similar difficulties to SRT and has likewise requested a waiver.⁷

After diligently continuing to work on overcoming the problems it encountered with the filing process, SRT successfully submitted its Form 477 using the new interface on December 23, 2014. SRT personnel believe that they have gained sufficient understanding of the new filing interface and associated data format requirements to be able to timely file going forward without issue.

Grant of SRT's request for waiver is in the public interest because it would allow SRT to submit complete and accurate data in connection with Form 477, which in turn will ensure complete and accurate analysis by the Commission. The Commission has previously extended compliance deadlines in response to industry difficulties in complying with a new Commission filing process; indeed, when the Commission last revised the Form 477 and provided a new online filing interface, it granted multiple requests for extension.⁸ In this instance, SRT took efforts to timely gather the required information before the deadline, and made good faith efforts to meet this deadline. It worked with Commission staff to resolve the difficulties it encountered, and diligently continued its compliance efforts. Thus, the minor delay in meeting the new filing deadline was not due to an intent to violate the rules, or indifference to those rules. Rather, it was the result of difficulties that often accompany a new filing procedure, and that the Commission's staff was unable to resolve by the close of the filing deadline. It is therefore respectfully submitted that this outcome was beyond the control of SRT.

⁷ *Request for Waiver and Extension of Time of Southern Communications Services, Inc. d/b/a SoutherLINC Wireless*, WC Docket No. 07-38, filed December 11, 2014.

⁸ *In re Dev. of Nationwide Broadband Data to Evaluate Deployment*, 24 FCC Rcd 2375 (F.C.C. 2009).

In any event, SRT has tried at all times to take good faith efforts to comply to the best of its ability, and the Commission's data collection efforts have not been materially harmed by the delays SRT encountered. Therefore, a waiver is justified.

Respectfully submitted,



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Filed: December 23, 2014

DECLARATION

I, Julie Lizotte, hereby declare under penalty of perjury that:

1. I am the Director of Regulatory Affairs for SRT Communications, Inc. ("SRT").
2. I personally directed and oversaw the preparation and filing of SRT's Form 477 (Local Telephone Competition and Broadband Report). I therefore have personal knowledge of the factual representations provided in the forgoing **Request for Waiver**.
3. I have reviewed the forgoing **Request for Waiver** and the factual statements made therein are true and correct to the best of my personal knowledge, information, and belief.

By:



Julie Lizotte,
Director of Regulatory Affairs

Dated: December 23, 2014

>>> Jody VanCuren 12/18/2014 11:05 AM >>>

>>> FCC - WTB Support <ARSBelo@fcc.gov> 12/12/2014 8:43 AM >>>
>

The information you requested from the FCC can be found below in the body of the email.

If you have any questions contact us at

(877) 480-3201.

Thank You!

Case Id: HD0000002421050

Summary: File Upload Issues

Description: We cannot get all the deployment files uploaded in time for the due date of today, Dec 11th. Can I submit the form without some of the deployment information or can we submit the form at a later date?

Solution Description: Dear Ms. VanCuren,

The Commission is fully aware of the problem and working to resolve as quickly as possible. I apologize for the inconvenience.

Should you have any further questions, or need additional information, please submit a request through <http://esupport.fcc.gov/index.htm> or call the ULS Customer Support Hotline at (877) 480-3201, selecting option 2 after the main menu recording.

Sincerely,

FCC Licensing Support Center

****Please do not reply back to this message. The e-mail address is configured for outgoing e-mail only.****