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February 13, 2015

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Wireline Competition Bureau

**Re: Consolidated Communications Networks, Inc. Petition for Waiver of ETC
Designation Deadline
Rural Broadband Experiments
WC Docket No. 10-90, WC Docket No. 14-259**

Dear Ms. Dortch:

On behalf of Consolidated Communications Networks, Inc. ("CCNI"), JSI respectfully submits the above-referenced Petition for Waiver. CCNI seeks a waiver of the deadline established in the above proceeding to notify the Wireline Competition Bureau of eligible telecommunications carrier status.

Please direct inquiries regarding the CCNI Petition for Waiver to the undersigned consultant for the Company.

Sincerely,

John Kuykendall
JSI Vice President
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Enclosures

cc: Ian Forbes, Telecommunications Access Policy Division

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Rural Broadband Experiments)	WC Docket No. 14-259

EMERGENCY REQUEST FOR EXPEDITED TREATMENT

**PETITION OF CONSOLIDATED COMMUNICATIONS NETWORKS, INC. FOR
WAIVER OF ETC DESIGNATION DEADLINE FOR RURAL BROADBAND
EXPERIMENTS**

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Consolidated Communications Networks, Inc. (“CCNI” or the “Company”) respectfully requests waiver of the March 5, 2015 deadline to submit appropriate documentation of its eligible telecommunications carrier (“ETC”) designation in each census block for which the Company is provisionally selected to receive Rural Broadband Experiment (“RBE”) support. CCNI was included among the entities provisionally accepted for RBE support in the FCC Public Notice of December 5, 2014² and has worked diligently to ensure all RBE requirements are completed correctly and on time. However the North Dakota Public Service Commission (“ND PSC”) process for review and approval of the Company’s ETC designation will extend beyond March 5 and could be further delayed if a party intervenes or requests a hearing. Although the

¹ 47 C.F.R. § 1.3.

² *Wireline Competition Bureau Announces Entities Provisionally Selected for Rural Broadband Experiments; Sets Deadlines for Submission of Additional Information*, WC Docket No. 10-90, FCC Public Notice DA-14-1772 (Dec. 5, 2014) (“Public Notice”).

FCC encouraged state commissions to adopt expedited approval processes for entities participating in the RBE, the ND PSC must follow applicable administrative law regarding public notice and provide an opportunity for hearing.

For the purpose of ETC designation the ND PSC has adopted rules which parallel federal ETC requirements to prevent fraud and abuse of the universal service programs. Applicants must demonstrate ability to provide the supported services over its own facilities, to comply with service requirements and consumer protection and service quality standards, to remain functional in an emergency, and must describe with specificity a five-year plan for proposed improvements or upgrades. Further, applicants must demonstrate service offerings are comparable to or exceed the incumbent offerings.

CCNI began to prepare for its North Dakota ETC application upon release of the Public Notice and worked diligently to prepare a complete application which addressed all of the ND PSC's ETC designation criteria. The CCNI ETC application was filed on December 31, 2014,³ and was placed on the agenda for the North Dakota Commission meeting of January 21, 2015. A Notice of Opportunity for Hearing was issued by the ND PSC which invites comments and requests for hearing by March 5, 2015 (see Exhibit A). While the ND PSC may deem it is appropriate to act on the application without a formal hearing, administrative procedures must allow for the published comment period. Any outside party comment or request for hearing could extend the timeline for final ND PSC approval. Therefore, CCNI respectfully requests the Commission waive the March 5, 2015 filing deadline for provisionally-selected RBE participants to submit documentation of ETC designation.

³ *Application of Consolidated Communications Networks, Inc. for Designation as an Eligible Telecommunications Carrier in Limited Service Areas within the State of North Dakota*, Case No. PU-15-018, filed Dec. 31, 2014.

I. GOOD CAUSE EXISTS TO GRANT REQUESTED WAIVER

In general, the FCC's rules may be waived for good cause shown.⁴ Waiver is appropriate where the "particular facts would make strict compliance inconsistent with the public interest."⁵ The FCC may grant a waiver of its rules where the requested relief would not undermine the policy objective of the rule in question, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁶

The Commission likely anticipated that there would be circumstances wherein a provisional winner would not be able to provide documentation of ETC designation within the 90-day timeframe, and the Commission noted in the *Rural Broadband Experiments Order*, "a waiver of this deadline may be appropriate if a winning bidder is able to demonstrate that it has engaged in good faith to obtain ETC designation, but has not received approval within the 90-day timeframe."⁷ CCNI has acted in good faith to obtain ETC designation from the ND PSC, diligently worked to prepare the substantial information required, and timely filed its ETC application.

The ND PSC acted to place the CCNI ETC application on the earliest possible North Dakota Commission agenda and to promptly publish a Notice of Opportunity for Hearing. However, given the March 5, 2015 deadline established for comments or requests for hearing, it is a certainty that the requested ETC designation will be determined after that date.

The FCC has good cause to grant the Company's petition and extend the deadline to allow for the ND PSC public notice and review process. CCNI does not anticipate a significant delay

⁴ 47 C.F.R. § 1.3.

⁵ See *AT&T Wireless Services, Inc. et al. v. Federal Communications Commission*, No. 00-1304 (D.C. Cir. 2001), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁶ See generally, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972); see also *Northeast Cellular* (D.C. Cir. 1990).

⁷ *Rural Broadband Experiments Order* at 22.

from the original deadline and as such does not expect it will significantly impact the FCC's RBE schedule, especially since a second round of provisional winners has not even been announced as of February 13, 2015. These additional provisional winners will still have to go through the process of filing a letter of credit commitment letter and ETC designation documentation. The FCC has good cause to grant CCNI waiver of the March 5 deadline as the company has put forth a considerable amount of time and resources into its ND PSC ETC application.

Granting CCNI's petition is in the public interest as well. CCNI's proposed RBE projects will bring service to currently unserved, rural, sparsely populated areas in which historically there has not been a viable business case that makes financial and operational sense for investing in broadband infrastructure. Without RBE, these areas would continue to go unserved due to the extremely high cost of bringing the proposed services to these rural areas.

II. CONCLUSION

CCNI is has consistently committed its resources to the fullest extent to meet the deadlines established for the RBE. It is in the public interest to waive the March 5 deadline for CCNI so that the Company can secure the necessary ETC designation from the ND PSC and move forward to bring affordable and reliable broadband to unserved rural areas.

Respectfully submitted,



Ken Weisenberger
Chief Financial Officer
Consolidated Communications Networks, Inc
PO Box 1408
507 South Main
Dickinson ND 58602-1408
February 13, 2015

EXHIBIT A

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Consolidated Communications Networks, Inc.
Designated Eligible Carrier
Application

Case No. PU-15-18

NOTICE OF OPPORTUNITY FOR HEARING

January 21, 2015

On December 31, 2014, Consolidated Communications Networks, Inc. (Consolidated) filed an Application for Designation as an Eligible Telecommunications Carrier (ETC) as a Competitive Local Exchange Company for the purpose of receiving federal funding through the Federal Communications Commission's Rural Broadband Experiment program. Consolidated proposes to provide wireline telecommunication, broadband Internet access, and Internet Protocol television services to rural areas of Stark County. Consolidated is a North Dakota business corporation with offices located in Dickinson, North Dakota.

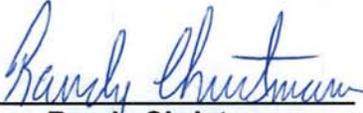
The issues to be considered in this matter are:

1. Is the applicant qualified under the Telecommunications Act of 1996, Section 214(e) for designation as an ETC eligible to receive federal universal service funding?
2. What ETC universal service support area should be designated?
3. Is designation of the applicant as an ETC in the public interest?

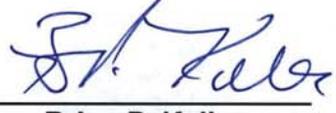
Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by March 5, 2015. If deemed appropriate, the Commission can determine the matter without a formal hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission.

PUBLIC SERVICE COMMISSION


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Commissioner


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