

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

**AFFIDAVIT OF THOMAS BURNS IN SUPPORT OF PETITION OF LAKE COUNTY
MINNESOTA FOR WAIVER OF ETC DESIGNATION DEADLINE FOR RURAL
BROADBAND EXPERIMENTS**

Thomas Burns, upon being sworn, states as follows:

1. I am employed by Olsen Thielen & Co., Ltd. as a telecommunications consultant. My business address is 2675 Long Lake Road, St. Paul, Minnesota 55113. I am submitting this affidavit in support of the request of Lake County Minnesota (“Lake County”) for a waiver of the March 5, 2015, deadline for obtaining designation as an Eligible Telecommunications Carrier (“ETC”) in order to meet the conditions of a grant under the Rural Broadband Experiment program.

2. I was initially contacted by Lake Communications on December 9, 2014, regarding assisting with the preparation of an application for Lake County to be designated as an ETC. From prior business dealings, I knew that Lake Communications that has a contract with Lake County for telecommunications operations. I was aware that Lake County had been conditionally approved to receive a grant under the Rural Broadband Experiment program. It was my understanding that being designated as an ETC was one of the conditions that Lake County had to meet in order to receive the grant funds.

3. On December 12, 2014, I participated in a conference call with representatives of Lake Communications. In that telephone conference, we discussed how service would be

provided and a broad outline of an ETC filing to be made by Lake County.

4. Lake County serves end user customers via Voice over Internet Protocol (“VoIP”) service that is provided over Lake County’s broadband network. Minnesota’s rules regarding ETC petitions do not directly address service provided using VoIP and accordingly, it was not clear whether that ETC petition should be filed with the Minnesota Public Utilities Commission (“MPUC”) or FCC. It took me a few days to analyze the pros and cons of either approach and I ultimately came to the conclusion that although filing with the FCC was an option, the better course would be to file with the MPUC. I made this recommendation to the client and the client agreed.

5. On or about January 14, 2015, I had a conference call with Greg Doyle, the Telecommunications Manager at the Minnesota Department of Commerce (“DOC”), to discuss Lake County’s anticipated ETC filing and to obtain DOC’s input.

6. On January 15, 2015, I sent a draft of the ETC petition to Lake County and Lake Communications for their review and comment.

7. After receiving input and approval from Lake County and Lake Communications, I finalized the petition and filed it with the MPUC on January 29, 2015.

8. On February 6, 2015, Citizens Telecommunications Company of Minnesota LLC (“Citizens”), the incumbent local exchange carrier in the area served by Lake County, filed a challenge to the completeness and form of Lake County’s ETC petition. A copy of Citizens’ challenge is attached to this affidavit as Exhibit A. Lake County filed its response to Citizen’s Challenge on February 11, 2015. In its response, Lake County noted the FCC’s March 5 deadline and requested expedited consideration. A copy of Lake County’s response is attached to this affidavit as Exhibit B.

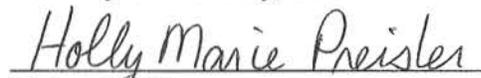
9. Concurrent with the filing of Lake County's response to Citizen's challenge, counsel for Lake County contacted staff at the MPUC with responsibility for scheduling to attempt to determine when Lake County's ETC petition would likely be placed on the MPUC's agenda for decision. Staff informed counsel that there was essentially no chance that Lake County's ETC petition would be determined before March 5 and further indicated that, in light of the challenge that had been asserted and because the DOC had not yet filed comments on the petition, it was unlikely that the matter would be placed on the MPUC's agenda before April.

10. The DOC has sought, and been granted, two extensions of the deadline for submitting comments on Lake County's ETC petition. The DOC's comments on Lake County's petition are now due on March 15, 2015. Attached to this affidavit as Exhibit C is a copy of the order of the MPUC's order granting DOC's request for a waiver.



Thomas Burns

Subscribed and sworn before me this
27th day of February, 2015.


Notary Public

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