



Your business
is our business.

7852 Walker Drive, Suite 200
Greenbelt, Maryland 20770
phone: 301-459-7590, fax: 301-577-5575
internet: www.jsitel.com, e-mail: jsi@jsitel.com

March 4, 2015

VIA ECFS

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

Attention: Wireline Competition Bureau

**Re: New Lisbon Broadband and Communications, LLC
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 New Lisbon Broadband and Communications, LLC (“New Lisbon”), JSI respectfully submits the above-referenced Petition for Waiver. New Lisbon 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 New Lisbon Petition for Waiver to the undersigned consultant for the Company.

Sincerely,

John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

Enclosures

cc: Ian Forbes, Telecommunications Access Policy Division

Echelon Building II, Suite 200
9430 Research Blvd., Austin, TX 78759
phone: 512-338-0473, fax: 512-346-0822

Eagandale Corporate Center, Suite 310
1380 Corporate Center Curve, Eagan, MN 55121
phone: 651-452-2660, fax: 651-452-1909

6849 Peachtree Dunwoody Road
Bldg. B-3, Suite 200, Atlanta, GA 30328
phone: 770-569-2105, fax: 770-410-1608

547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

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 NEW LISBON BROADBAND AND COMMUNICATIONS, LLC 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 New Lisbon Broadband and Communications, LLC (“New Lisbon” 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. New Lisbon 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 Indiana Utility Regulatory Commission (“IURC”) process for review and approval of the Company’s ETC designation will extend beyond March 5.

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”).

For the purpose of ETC designation the IURC 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 supply a shapefile map of the proposed designated service area.

New Lisbon began to prepare for its Indiana ETC application upon release of the Public Notice and worked diligently with its attorneys to prepare a complete application which addressed all of the IURC's ETC designation criteria. As a new competitive provider in the state of Indiana, New Lisbon was also required to apply for a certificate of territorial authority (CTA) from the IURC to operate as a communications service provider. The CTA and ETC applications were filed simultaneously with the IURC on March 3, 2015.³ IURC staff was informed of the relationship of the CTA and ETC applications, and the importance of expedited review. Therefore, New Lisbon respectfully requests the Commission waive the March 5, 2015 filing deadline for provisionally-selected RBE participants to submit documentation of ETC designation.

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

³ See *New Lisbon Broadband and Communications, LLC Application for a Certificate of Territorial Authority*, Cause No. 44600, filed March 3, 2015, and *In the Matter of the Petition of New Lisbon Broadband and Communications, LLC for Designation as an Eligible Telecommunications Carrier in the State of Indiana for the Purpose of Participating in the Connect America Fund Rural Broadband Experiment*, Cause No. 41052-ETC-75, filed March 3, 2015.

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*").

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 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 New Lisbon has acted in good faith to obtain ETC designation and CTA certificate from the IURC and has diligently worked to file the required applications.

The FCC has good cause to grant the Company’s petition and extend the deadline to allow for the IURC review and approval process. New Lisbon does not anticipate a significant delay from the original deadline and as such does not expect it will significantly impact the FCC’s RBE schedule. It is anticipated that the IURC will act on the ETC petition and CTA application by April 2, 2015. New Lisbon will supplement this request for waiver as necessary to provide update of IURC action or the expected timeline. The FCC has good cause to grant New Lisbon waiver of the March 5 deadline as the company has put forth a considerable amount of time and resources into its ETC and CTA applications.

Granting New Lisbon’s petition is also in the public interest. New Lisbon’s proposed RBE projects will bring service to rural areas of Indiana in which historically there has not been a viable business case that makes financial and operational sense for investing in broadband infrastructure.

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).

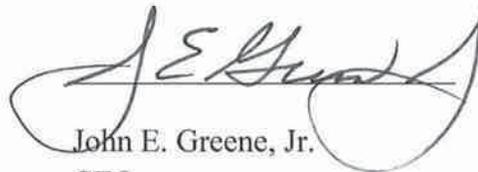
⁷ *Rural Broadband Experiments Order* at 22.

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

New Lisbon is has 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 New Lisbon so that the Company can secure the necessary ETC designation and operating authority from the IURC and move forward to bring affordable and reliable broadband to unserved rural areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.E. Greene, Jr.", written over a horizontal line.

John E. Greene, Jr.
CEO

New Lisbon Broadband and Communications, LLC
6369 E. Dublin Pike
P.O. Box 38
New Lisbon, Indiana 47366

March 4, 2015