

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

Connect America Fund	)	
Rural Broadband Experiments	)	WC DOC. No. 14-259
	)	
Rural Broadband Services Corporation, Inc.	)	
Request for Waiver of Requirement for	)	WC Doc. No. 10-90
Three Years of Audited Financial Statements	)	

**REPLY OF  
RURAL BROADBAND SERVICES CORPORATION, INC.**

To: The Commission

On February 18, 2015 The Rural Broadband Services Corporation, Inc. (“RBSC”), pursuant to Section 1.115 of the Commission’s Rules, filed its request that the Commission review the Order of the Deputy Chief, Wireline Competition Bureau, released January 30, 2015, DA 15-139 (“Order”). The Order denied the petitions of RBSC and fourteen other petitioners for waiver of the requirement adopted in the *Rural Broadband Experiments Order* that provisionally selected bidders provide audited financial statements for the most recent three years.<sup>1</sup> RBSC requested that the Commission vacate the Order and grant its petition.

Oppositions to RBSC’s Application for Review were due no later than March 6, 2015.<sup>2</sup>

To the best of RBSC’s knowledge, no oppositions were filed. RBSC therefore urges the

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<sup>1</sup> Connect America Fund, et al., *Report and Order and Further Notice of Proposed Rulemaking*, 29 FCC Rcd. 8769, 8788 (2014).

<sup>2</sup> Section 1.115 requires oppositions to Applications for Review to be filed within 15 days, which would have been March 5, 2015. However, due to weather related closure, the filing date for all proceedings was extended one day. Public Notice, Filing Deadlines Updated Due to Adverse Weather Conditions, DA 15-293, Mar. 6, 2015.

Commission to proceed promptly to consideration of its Application for Review. In so doing the Commission should act in accordance with the guidance of D.C. Circuit in *Wait Radio*:

[A] general rule, deemed valid because its overall objectives are in the public interest, may not be in the "public interest" if extended to an applicant who proposes a new service that will not undermine the policy, served by the rule, that has been adjudged in the public interest. An agency need not sift pleadings and documents to identify such applications, but allegations such as those made by petitioners, stated with clarity and accompanied by supporting data, are not subject to perfunctory treatment, but must be given a "*hard look*."<sup>3</sup>

In these circumstances the relevant allegations and supporting data include not only the RBSC Application for review and the original waiver, but the extensive data filed on Forms 5610 and 5620, including RBSC's Eligible Telecommunications Carrier ("ETC") certification by the Corporation Commission of Oklahoma.

RBSC respectfully requests that the Order be reversed, that the Commission order its waiver granted, and that RBSC be reinstated as a provisional selectee, *nunc pro tunc*.

Respectfully submitted

Rural Broadband Services Corporation, Inc.

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<sup>3</sup> *Wait Radio v. F.C.C.*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

