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June 26, 2015

VIA ECFS

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

Attention: Wireline Competition Bureau

**Re: Petition for Limited Waiver of § 54.313(f)(2)(ii)
Oregon Farmers Mutual Telephone Company
ETC Annual Reports and Certifications, WC Docket No. 14-58**

Dear Ms. Dortch:

On behalf of Oregon Farmers Mutual Telephone Company ("OFM") JSI respectfully submits the above-referenced Petition for Limited Waiver. OFM seeks a limited waiver of Federal Communications Commission rules Section 54.313(f)(2)(ii) which requires privately held rate-of-return carriers that are not recipients of loans from the Rural Utilities Service to file a copy of their audited financial statement with their ETC Annual Report.

Please direct inquiries regarding this Petition for Limited Waiver to the undersigned consultant for the OFM.

Sincerely,

John Kuykendall
Vice President

Enclosure

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

In the Matter of)	
)	
ETC Annual Reports and)	WC Docket No. 14-58
Certifications)	

**PETITION OF OREGON FARMERS MUTUAL TELEPHONE COMPANY FOR
LIMITED WAIVER OF SECTION 54.313(f)(2)(ii)**

Oregon Farmers Mutual Telephone Company (“OFM” or the “Company”) pursuant to Section 1.3 of the Federal Communications Commission’s (“FCC” or “Commission”) Rules¹ requests a limited waiver of the requirement specified in Section 54.313(f)(2)(ii).² This rule requires privately held rate-of-return carriers that are not recipients of loans from the Rural Utilities Service (“RUS”) whose financial statements are audited in the ordinary course of business to file a copy of their audited financial statement with their ETC Annual Report (otherwise known as the “Form 481”).³

As demonstrated herein, “good cause” exists to allow OFM a limited waiver to submit its audited financial statement after the July 1, 2015 deadline to submit its Form 481. Due to delays caused by court proceedings, the Company’s audited financial statement will not be available by the July 1 deadline. However, the Company will be submitting a draft version of its financial statement in its Form 481 and will populate the Lines 3027 – 3034 with the required financial

¹ 47 C.F.R. §1.3

² 47 C.F.R. § 54.313 (f)(2)(ii).

³ *Id.* Alternatively, the carrier may file “a financial report in a format comparable to RUS Operating Report for Telecommunications Borrowers, accompanied by a copy of a management letter issued by the independent certified public accountant that performed the company's financial audit.” *Id.*

data. Accordingly, the public interest would be served by allowing the Company additional time to supplement its Form 481 with the finalized version of the audited financial statement.

I. Grant of this Waiver is Warranted

OFM is a privately held rate-of-return carrier that is not a recipient of loans from RUS and, in the past, has had financial statements that were audited in the ordinary course of business. Generally, the Commission's rules may be waived for good cause shown.⁴ Furthermore, the Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁵ As demonstrated herein, grant of this petition is warranted.

Beginning earlier this year and continuing to the present day, OFM has been engaged in a legal dispute which has prevented the Company from being able to finalize its audited financial statements by the July 1 deadline.⁶ Although the finalized version of the audited financial statements will not be completed until after July 1, the Company has a draft version of the report which it will submit in its FCC Form 481 filing. Further, because the financial data in the draft version has been finalized, the Company will populate that data in Lines 3027 – 3034 of its Form 481. Accordingly, waiver of Section 54.313(f)(2)(ii) is sought only to be able to supplement the Form 481 after the filing deadline so that the finalized version of the audited financial statement can replace the draft version.⁷ Such a limited waiver would further the public interest as strict compliance with this rule could result in the Company having its high cost universal service

⁴ 47 C.F.R. § 1.3.

⁵ *Northeast Cellular Telephone co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (Northeast Cellular).

⁶ *See, e.g., In re Northwest Missouri Holdings, Inc. et. al v. Townes Missouri, Inc.*, Bankr. Case No.15-10728-BLS Jointly Administered, Civ. No. 15-470-LPS (D. Del. June 11, 2015).

⁷ At this point in time, the Company does not know when the audited financial statements will be ready for submission. Accordingly, the Company hereby commits to providing the Commission with an update no later than August 31, 2015 if it has not received the audited financial statements by that date.

support reduced on a pro-rata daily basis equivalent to the period of non-compliance,⁸ an extremely harsh penalty for this rural rate-of-return carrier.

Respectfully submitted,

Oregon Farmers Mutual Telephone Company

By: /s/ Wendy Ottman
Wendy Ottman
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Oregon, MO 64473

June 26, 2015

⁸ See 47 C.F.R. § 54.313(j).