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August 14, 2015

ELECTRONIC FILING

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

Re: Commnet of Nevada, LLC; Mobility Fund Phase I (Auction 901)
Supplemental Filing; WT Docket No. 10-208
Census Tracts T32011000100 (Eureka, NV) and
T32015000300 (Lander, NV)

Dear Ms. Dortch:

Commnet of Nevada, LLC ("Commnet") seeks to update and modify the project descriptions and corresponding timelines, and spectrum access showing, currently on file for the above two census tracts won by Commnet in the FCC's Mobility Fund Phase I (Auction 901). Regarding these two census tracts, Commnet's updated exhibits reflect the company's changed business plan.¹

Specifically, Commnet will deploy a 4G network in these two census tracts, instead of a 3G network as originally indicated. Enclosed is an updated project description and timeline reflecting the company's changed business plan for each of the relevant census tracts, together with a current spectrum access showing.

These two census tracts consist of approximately 2,332 square miles and contain approximately 1,723 eligible road miles. These census tracts are extremely rural in nature. Eureka County has .02 persons per square mile (*i.e.*, two people for every one hundred square miles), and Lander County has .14 persons per square mile (fourteen people for every one hundred square miles).

When filing its original project descriptions and timelines, Commnet indicated that it would be building a 3G network for each census tract. Accordingly, each of these two Mobility

¹ In Auction 901, Commnet was a successful bidder for six census tracts in Nevada, while its commonly-owned affiliate, Commnet Four Corners, LLC ("CFC"), was a successful bidder for one census tract in Colorado. Except for the above two census tracts (Lander and Eureka, NV), Commnet and CFC have kept to the original business plan, and are meeting the relevant 3G two-year construction/drive-test showing deadline.

Fund census tracts is currently subject to a two-year buildout deadline of August 17, 2015. Commnet has now concluded, however, that it is more appropriate to construct a 4G network for these two census tracts, which will better serve the needs of current and future end users in these two areas. Allowing Commnet to submit the enclosed updated long-form exhibits will redound to the benefit of the public, which will receive 4G service instead of only 3G service. Acceptance of these updated exhibits will also afford Commnet the standard length of time to accomplish the task (three years), as set forth in Section 54.1006(b) of the Commission's Rules. The revised deadline for these 4G build-outs would then be August 17, 2015.²

Allowing Commnet to modify its project become a 4G network is in the public interest. **First**, Commnet's end-users will benefit from an enhanced 4G network that will provide broadband services at speeds that are increasingly demanded by today's consumers. **Second**, the FCC will get more "bang for their buck" by having Mobility Fund support go towards the deployment of an up-to-date modern 4G network.

Third, Commnet has spent millions of dollars in these two census tracts, and already built out each of these two census tracts to 72% (Lander) and 69% (Eureka), respectively. The *only* reason Commnet is not already at the 75% threshold is because of the extraordinary and unique environmental challenges in this area, which have eliminated one proposed location after another, as recounted in greater detail in Commnet's June 30, 2015 request for waiver of the two-year 3G deadline of section 54.1006(a) with respect to these two census tracts ("Waiver Request"). A copy of that Waiver Request is also enclosed herewith for convenience.³

² In fact, it is extremely unlikely that Commnet will be able to meet an August 17, 2016 deadline for Eureka (census tract T32011000100), due to the need for the Bureau of Land Management ("BLM") to complete its Environmental Assessment for the proposed location at Tonkin, NV, which the BLM believes is the most appropriate site in the area, as environmental concerns have already eliminated all of the other potential locations that BLM and Commnet considered. (BLM is virtually the only land owner in this census tract.)

For this reason, BLM has asked the FCC to afford Commnet an extension through and including December 31, 2016 within which to construct this census tract. A copy of the BLM's July 23, 2015 letter to the FCC concerning this matter is also enclosed herewith.

While Commnet will make every effort to finish by August 17, 2016, it is not possible for Commnet to construct unless and until all environmental concerns have been addressed in this highly sensitive and unique ecosystem, which is home to the sage grouse and other threatened or endangered species. A copy of the most recent US Fish & Wildlife Service ("USFWS") Sage Grouse Priority Management Areas Map is enclosed herewith. Eureka County lies within the relevant Priority Management Area. Both the BLM and the USFWS are divisions of the U.S. Department of the Interior ("Department"). A fuller discussion of the importance of sage grouse protection to the Department is available at: <http://www.fws.gov/greatersagegrouse/> (last visited August 13, 2015).

³ While the Waiver Request remains pending at this time, Commnet will withdraw the Waiver Request immediately upon FCC grant of Commnet's modification of these two census tracts to 4G status and concomitant application of the 4G deadline to the two tracts.

Marlene H. Dortch, Secretary
August 14, 2015
Page 3

Finally, grant of the requested modification to 4G build-out is in the public interest because if Commnet is denied this request and then required to: a) refund the support funding already received, plus interest and penalties, and b) not receive the remainder of the contemplated support funding, Commnet will be unable to justify continued operation of these two census tracts, and likely will have to rip down the network already constructed and operating thanks to the Mobility Fund support. This will eliminate Commnet's recently-initiated service to the 72% in Lander and 69% in Eureka that are already being served. (Although Mobility Fund build-out is measured in coverage of eligible road-miles, and not population, Commnet's existing build-out in these two counties covers 86% of the population of the Lander census tract, and 50% of the population of the Eureka census tract. These figures are relevant to the public-interest analysis.)

Please let me know if any questions.

Sincerely,



David J. Kaufman

Enclosures

Revised Project Descriptions/Timelines
Revised Spectrum Access
BLM July 23, 2015 Letter to FCC
USFWS Sage Grouse Priority Management Areas Map
Commnet June 30, 2015 Waiver Request

cc (via e-mail w/ enclosures):

Gary Michaels, FCC
Rita Cookmeyer, FCC
Commnet of Nevada, LLC

Bidder Name: Commnet of Nevada, LLC
State: NV
Census Tract ID: T32011000100
Study Area Code: 558003

PROJECT DESCRIPTION

1. High Level Summary of Project

Consistent with the Commission's Rules, Applicant intends to bring 4G LTE service to the census tract identified herein through a combination of expanding its existing network and deploying new technology. Applicant will provide voice service through the use of its current technology. 4G service is defined by the Commission's Rules as outdoor minimum data transmission speeds of 200 kilobits per second (kbps) uplink and 768 kilobits per second (kbps) downlink.

Coverage Improvements

Applicant plans to expand signal coverage within the census tract identified herein through a combination of (a) constructing new base stations within and around the census tract identified herein and (b) modifying existing equipment at base stations within and around the census tract identified herein. The construction of base stations within and around the census tract will result in an expansion of the current coverage footprint into previously un-served and underserved areas. Further, the modification of existing equipment will improve existing coverage by maximizing existing signal coverage and capabilities within the census tract identified herein.

Capacity Enhancement

In addition to the downlink/uplink speeds referenced above, Section 54.1006 of the Commission's Rules requires "Transmission latency low enough to enable the use of real time applications, such as VoIP." In order to accomplish this level of transmission latency, Applicant must ensure that all elements of the network, including backhaul and switching, have sufficient capacity; it is not enough to merely install advanced technology equipment at base stations. Unless the entire system is re-engineered to eliminate potential bottlenecks and increase the amount of information that can be transmitted, seamless use of real-time applications by subscribers cannot occur.

Accordingly, Applicant plans to upgrade its core network. The upgrades to its core network will enhance its network capabilities by ensuring that the switching facilities associated with the network can accommodate the increased load from the enhanced-technology base stations.

Transport Enhancements

Applicant plans to upgrade backhaul facilities associated with the base stations within and around the census tract identified herein. The upgrades of the backhaul facilities will increase bandwidth and improve data transmission speeds associated with the facilities. Again, these enhancements are necessary in order to support subscribers' ability to use real-time applications on the network.

Finally, Applicant plans to utilize the current and expanded technologies and facilities in place within the census tract identified herein to deliver voice service within the census tract identified herein.

2. Project Details

Applicant plans to deploy 4G LTE technology within the census tract identified herein with minimum data transmission speeds of 200 kilobits per second (kbps) uplink and 768 kilobits per second (kbps) down link. To that end, Applicant specifically plans to expand the network as more fully described in this Section by deploying new technologies and improving its existing network.

Coverage Improvements

Applicant has completed a propagation analysis and determined that it can expand the existing coverage footprint within the tract by constructing 5 new base stations within and around the census tract identified herein to meet the minimum coverage requirement. The Applicant will refine its propagation analysis based upon further study of the terrain and drive test results, which were recently completed, within the census tract identified herein. The recently concluded drive tests results show that Applicant covers approximately 69% of the eligible road miles within the census tract identified herein with the 4 new cell sites that have already been constructed to date. Applicant is currently working toward constructing the 5th cell site that will enable the Applicant to meet or exceed the minimum coverage requirements set forth in the Commission's Rules.

Applicant has made and plans to make additional modifications to existing antennas, based on drive test results, to gain additional coverage and/or improve data speeds within the census tract identified herein. The focus of such modifications will be to better target and maximize the signal coverage that currently exists. Upgrades to the power facilities and routing functions, as well as modifications to the location of existing equipment have been identified as means of improving existing coverage and data speeds.

Capacity Enhancements

The upgrades to the core network will consist of higher capacity radio network core elements and software upgrades that would improve capacity at the cell site level within the census tract identified herein through a switch upgrade. The Applicant's election to deploy 4G LTE technology in lieu of 3G EVDO technology will require additional upgrades.

Transport Enhancements

Applicant plans to transition its backhaul facilities from a circuit network to a packet network. The packet network consists of Ethernet Backhaul technology. The transition to new backhaul/transport facilities from a circuit network to Ethernet Backhaul is expected to dramatically improve the bandwidth or amount of data that can be transmitted and the speeds at which such data will be transmitted. The Applicant's election to deploy 4G LTE technology in lieu of 3G EVDO technology will require additional upgrades.

The new backhaul facilities are necessary to transmit larger amounts of data and the transmission speeds required to meet the speeds identified herein. More importantly, these facilities are essential to ensuring a low enough level of transmission latency to support real-time applications, such as VoIP.

3. Technical Feasibility; Spectrum

Applicant has access to 700 MHz spectrum in the census tract identified herein. The 700 MHz spectrum is capable of supporting LTE broadband service at the speeds identified above. Specifically, Applicant has adequate 700 MHz spectrum to provide 4G LTE service at minimum transmission speeds of 200 kilobits per second (kbps) uplink and 768 kilobits per second (kbps) down link per second down link. Additionally, Applicant will utilize its 850 MHz spectrum to provide voice service. Finally, if needed, Applicant also has access to broadband PCS spectrum (1.9 GHz band) for voice service.

Applicant's access to this spectrum is documented in the spectrum access exhibit associated with this long-form application.

4. Key Challenges and Risks

- A. The one remaining cell site is planned to be built in an area that is currently outside the Applicant's cellular service area boundary, with respect to voice service. Applicant has filed an application with the FCC to expand its service area boundary. As noted, if the pending application to modify Applicant's CGSA were not granted, Applicant can still construct using broadband PCS spectrum.
- B. The timelines and projected costs are contingent upon Applicant having timely access to the location needed to the construct the one remaining tower. The Applicant is planning to construct the one remaining tower on land owned by the Bureau of Land Management, an agency of the United States Department of Interior ("BLM"). BLM is virtually the only land owner in this census tract, and as a federal agency, BLM is not subject to the time constraints for completion of zoning, environmental and similar processes which apply to state and local governments under Section 332 of the Communications Act. Moreover, the area of the proposed final tower lies within the Interior Department's Priority Area for Conservation of the Sage Grouse, thereby requiring BLM to conduct a full-blown Environmental Assessment with respect to the sage grouse, a protected species. BLM has already advised both Applicant

and the FCC that the time required for the BLM to complete this environmental assessment will almost certainly preclude Applicant being able to construct the tower and run required drive tests prior to the 4G completion deadline of August 17, 2016. A copy of the BLM's July 23, 2015 letter to the FCC on this subject ("BLM Letter") is attached hereto for convenience. It is likely that the timeframes for obtaining permits, zoning and environmental assessments will result in Applicant not completing this Project by August 17, 2016; as set forth in the BLM Letter, the more likely completion date is December 31, 2016.

- C. The timelines and projected costs identified herein are based on a preliminary backhaul design. Applicant will not know if the opportunity to lease such facilities exist within the tract until further analysis or the actual orders for such circuits are placed. Back haul costs are a significant challenge in rural/remote areas such as the tract identified herein. Therefore, the actual cost is difficult to predict until actual circuit orders are placed. If opportunities to lease backhaul facilities do not exist or are not affordable, the availability of Microwave Licenses is an important factor. The limited availability of Microwave Licenses in rural areas is also a significant risk.
- D. Many of the uncovered/eligible roads are remote dirt roads and service roads. Therefore, it is possible that many of the areas in which the RF design identifies as a location for a tower is not easily accessible. Applicant may have to potentially excavate land to get to the optimal location to cover the uncovered roads. Such is a risk to the timelines and projected costs identified herein.

5. Budget

Tract ID	T32011000100
State	Nevada
Technology to be deployed	4G LTE
County	Eureka

NETWORK INVESTMENTS & EXPENSES

Category	Proposed Budget for Tract
Coverage Enhancement Investments (Installing new Radio Remote Heads and Antennas, Antenna Modifications, Power Upgrades, Ongoing Tower Expenses etc.)	\$2,172,000
Capacity Upgrade Investments (Core software upgrades, New Radio Network Controllers etc.)	\$366,000

Transport Upgrade Investments (EBH Core Routers, EBH Cell Site Routers, Microwave, Back Haul Lease Expenses etc.)	\$1,313,620
Other Capital and Network Expenses (Capitalized labor, Other Ongoing Expenses etc.)	\$300,749
Land Use, Design and Compliance Costs (Network Design, Drive Test Costs, Other Compliance etc.)	\$319,962
LOC/Opinion Fees*	\$10,073
Retail Sales Upgrades	\$15,000
Total Projected Costs	\$4,497,404

*These fees have already been incurred and paid, and the letter-of-credit and its accompanying opinion letter have already been delivered to and accepted by USAC.

If and to the extent that support funding via the Auction No. 901 is not sufficient to cover the proposed costs identified herein, Applicant intends to cover such costs with funding from its parent company, Atlantic Tele-Network, Inc. ("ATN"). ATN, according to its latest Form 10-Q on file with the Securities Exchange Commission, has available net liquid assets of over \$75M, which is more than sufficient to cover any gap between the proposed costs identified herein and support funding for its various subsidiaries that are winning bidders in Auction No. 901.

Key Milestones and Timelines

Function	Start Date	End Date
Network Design	9/1/2012	11/30/2012
Drafting and Posting RFIs	10/1/2012	12/31/2012
Vendor Selections	1/1/2013	3/31/2013
Construction	4/1/2013	8/1/2016
Request for Phase I Funding	8/16/2013	
Request for Phase II Funding	8/17/2016	

- Applicant has completed the network design and constructed all but the final tower.
- Construction dates are an estimate. Completion of this project on the date identified above largely depends on timely approval of the construction site by the Bureau of Land Management. Applicant may request an extension of time if the Bureau of Land Management does not approve the construction site at least 2 months prior to the deadline of August 17, 2016.
- The dates identified herein for requesting Phase II and Phase III funding is a projection.

Bidder Name: Commnet of Nevada, LLC
State: NV
Census Tract ID: T32015000300
Study Area Code: 558005

PROJECT DESCRIPTION

1. High Level Summary of Project

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- B. The timelines and projected costs are contingent upon Applicant having timely access to the location needed to construct the one remaining cell towers. The Applicant is planning to construct the one remaining cell tower on land owned by the Bureau of Land Management an agency of the United States Department of Interior. It is possible that the timeframes for obtaining permits, zoning and environmental assessments may take longer than anticipated.

- C. The timelines and projected costs identified herein are based on a preliminary backhaul design. Applicant will not know if the opportunity to lease such facilities exist within the tract until further analysis or the actual orders for such circuits are placed. Back haul costs are a significant challenge in rural/remote areas such as the tract identified herein. Therefore, the actual cost is difficult to predict until actual circuit orders are placed. If opportunities to lease backhaul facilities do not exist or are not affordable, the availability of Microwave Licenses is an important factor. The limited availability of Microwave Licenses in rural areas is also a significant risk.
- D. Many of the uncovered/eligible roads are remote dirt roads and service roads. Therefore, it is possible that many of the areas in which the RF design identifies as a location for a tower is not easily accessible. Applicant may have to potentially excavate land to get to the optimal location to cover the uncovered roads. Such is a risk to the timelines and projected costs identified herein.

4. Budget

Tract ID	T32015000300
State	Nevada
Technology to be deployed	4G LTE
County	Lander

NETWORK INVESTMENTS & EXPENSES

Category	Proposed Budget for Tract
Coverage Enhancement Investments (Installing new Radio Remote Heads and Antennas, Antenna Modifications, Power Upgrades, Ongoing Tower Expenses etc.)	\$2,968,000
Capacity Upgrade Investments (Core software upgrades, New Radio Network Controllers etc.)	\$466,000
Transport Upgrade Investments (EBH Core Routers, EBH Cell Site Routers, Microwave, Back Haul Lease Expenses etc.)	\$1,365,000
Other Capital and Network Expenses	\$375,565

(Capitalized labor, Other Ongoing Expenses etc.)	
Land Use, Design and Compliance Costs (Network Design, Drive Test Costs, Other Compliance etc.)	\$397,300
LOC/Opinion Fees*	12,918
Retail Sales Upgrades	15,000
Total Projected Costs	\$5,599,783

*These fees have already been incurred and paid, and the letter-of-credit and its accompanying opinion letter have already been delivered to and accepted by USAC.

If and to the extent that support funding via the Auction No. 901 is not sufficient to cover the proposed costs identified herein, Applicant intends to cover such costs with funding from its parent company, Atlantic Tele-Network, Inc. ("ATN"). ATN, according to its latest Form 10-Q on file with the Securities Exchange Commission, has available net liquid assets of over \$75M, which is more than sufficient to cover any gap between the proposed costs identified herein and support funding for its various subsidiaries that are winning bidders in Auction No. 901.

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Function	Start Date	End Date
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Construction	4/1/2013	8/1/2016
Request for Phase I Funding	8/16/2013	
Request for Phase II Funding	8/17/2016	
Request for Phase III Funding	8/17/2016	

- Applicant has completed the network design.
- Construction dates are an estimate. Completion of this project on the date identified above largely depends on timely approval of the construction site by the Bureau of Land

Management. Applicant may request an extension of time if the Bureau of Land Management does not approve the construction site at least 2 months prior to the deadline of August 17, 2016.

- The dates identified herein for requesting Phase II and Phase III funding is a projection.

**DESCRIPTION OF SPECTRUM ASSETS AVAILABLE
TO APPLICANT**

Commnet of Nevada, LLC ("Applicant") holds spectrum enabling it to construct an advanced wireless system using Mobility Fund auction proceeds. Specifically, Applicant holds cellular licenses under call signs KNKN223 and WQTA492.

In addition, Applicant holds an AWS license, call sign WQGA722, and a broadband PCS license, call sign WQTA310. (In its earlier Form 680 filings, this same spectrum was listed as a spectrum leasehold interest; Applicant has since acquired the underlying license from the former lessor.) Finally, Applicant's 100% commonly-owned and -controlled affiliate, SAL Spectrum, LLC, holds the 700 MHz B-Block authorization for Nevada RSA No. 2 (CMA-544), which CMA encompasses both Eureka and Lander Counties, NV.

Applicant certifies that it will continue to hold these spectrum rights through at least August 17, 2018 (the five-year anniversary of its grant in Auction 901), as required by Section 54.1003(b) of the Commission's Rules.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html

Re: 2800 (NV0100)

JUL 23 2015

Federal Communications Commission
Attn: Margaret Weiner, Chief Auctions Division
Wireless Telecommunications Bureau
445 Twelfth St. SW
Washington, DC 20554

Re: *Commnet of Nevada, LLC, Mobility Fund, Auction 901 Build-Out*

Dear Ms. Weiner:

By letter to the FCC dated May 20, 2015, the Bureau of Land Management discussed how, due to reasons beyond its control, Commnet was unable to locate on Bald Mountain, necessitating the search for alternative locations to cover the otherwise unserved roads in Eureka and Lander Counties. BLM has been assisting Commnet with locating a suitable site location for their communications tower project associated with the FCC Mobility Fund operations utilization. Two sites have been located (Mt. Callaghan and Tonkin) and we are currently processing the requisite NEPA and environmental analyses for those operations. Due to statutorily mandated/suggested time-frames, this process will take some time. For example, certain wildlife and vegetation studies are required to be administered within designated periods of each other, which ultimately dictates and extends the approval process and environmental impact determination.

In conjunction with the time-frames BLM is required to follow, Commnet may not be able to commence operations within the 12-month extension period that the FCC may grant, particularly with respect to the proposed Tonkin location. Consequently, BLM fully supports Commnet's request for a full extension through and including December 31, 2016. BLM respectfully requests that this full extension period be granted. This increased extension period would facilitate the site approval process greatly and ensure that all environmental issues are addressed or mitigated. The launch of mobile wireless service in this area would also be extremely beneficial for rural emergency services coverage.

Thank you for your attention to this matter. If you have any questions or concerns, please contact Jonathan Kramer at 775-635-4053.

Sincerely,

Jon Kramer

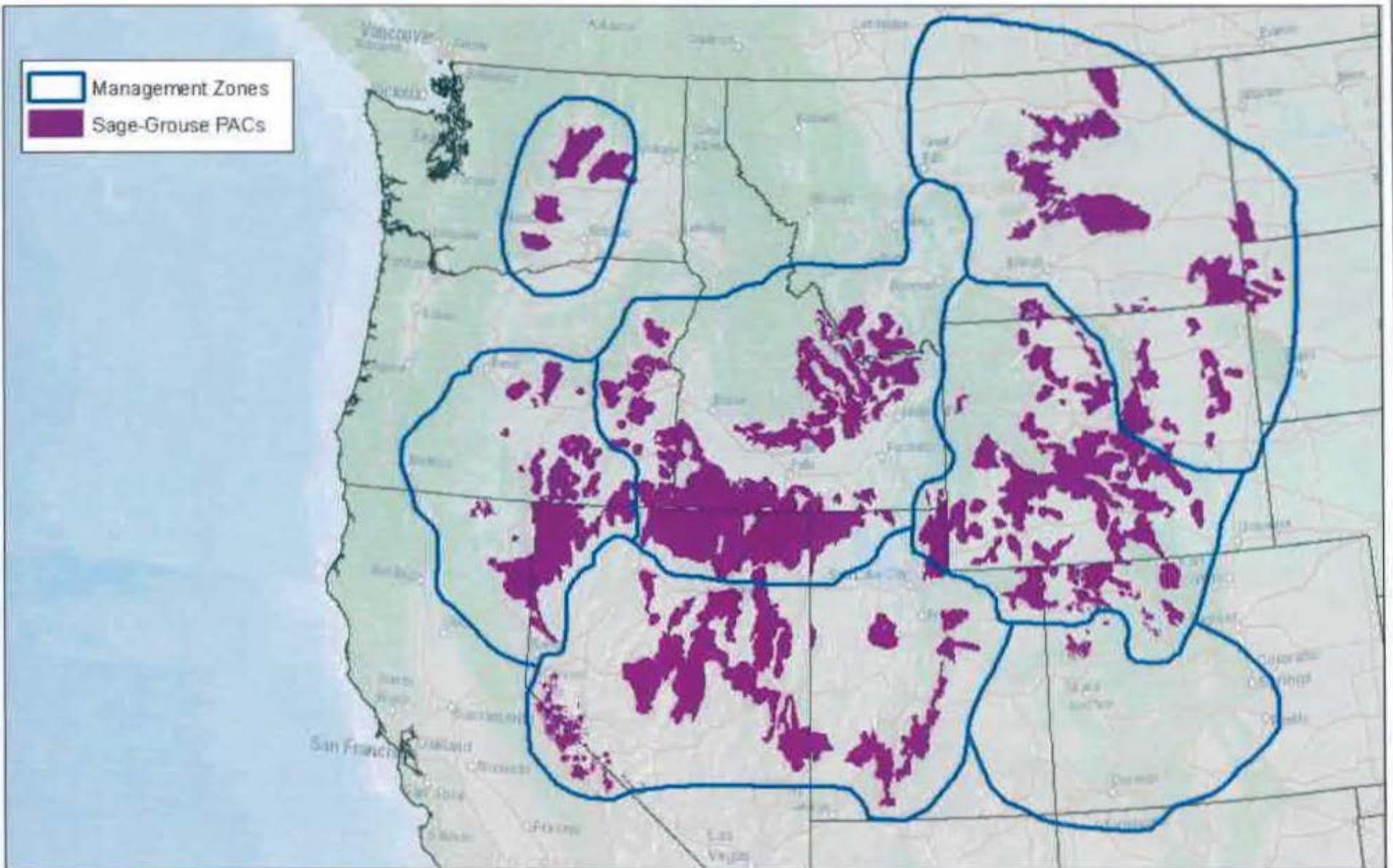
for

Jon D. Sherve
Acting Field Manager
Mount Lewis Field Office

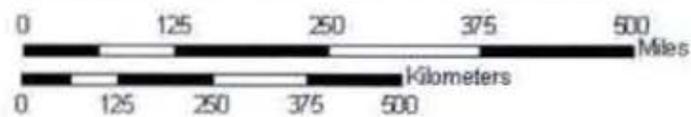
cc (via e-mail):
gary.michaels@fcc.gov
rita.cookmeyer@fcc.gov
aleidigh@atni.com



COT - Greater Sage-Grouse Priority Areas for Conservation (PACs)



Created By: US FWS, Wyoming ES
Map Date: 3/6/2013
Source: CAGP | COPW | IDFG | MTFWP |
NDGF | NDCW | ORDFW | UTDWR |
WDFW | WYGF | BLM | WAFWA | FWS



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

In the Matter of

Universal Service Reform – Mobility Fund)	WT Docket No. 10-208
Commnet of Nevada, LLC Request of for Waiver and)	
Extension of Time of Mobility Fund Phase I)	
Construction Deadline for Two Census Tracts)	

To: Chief, Wireless Telecommunications Bureau
Chief, Wireline Competition Bureau

**REQUEST FOR WAIVER AND EXTENSION
OF TIME TO COMPLETE CONSTRUCTION AND
TO SUBMIT DRIVE-TEST RESULTS RESPECTING
TWO CENSUS TRACTS IN RURAL NEVADA**

Commnet of Nevada, LLC

David J. Kaufman
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June 30, 2015

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SUMMARY

Commnet of Nevada, LLC ("Commnet") is a winning bidder from Mobility Fund Phase I (FCC Auction No. 901) for six census tracts in Nevada. Commnet hereby requests the following with respect to two of its six census tracts, Lander (T32015000300) and Eureka (T32011000100): a) an extension of time within which to meet its 75% road-miles coverage requirement; and b) an extension of time as to the date upon which Commnet's road-miles coverage in each of those two census tracts will be measured, for purposes of determining Commnet's overall entitlement to Mobility Fund Phase I support for those census tracts.¹ Specifically, Commnet is asking that: a) the date for Lander (T32015000300) be extended from the current August 17, 2015 to and including April 30, 2016; and b) the date for Eureka (T32011000100) be extended from the current August 17, 2015 to and including December 31, 2016. Good cause exists for this request.

Lander and Eureka are two adjacent census tracts in rural Nevada, where most of the land is owned by the federal government. In order to achieve coverage of at least 75% of the designated road-miles in eligible census blocks in each census tract, Commnet designed a network of five cells. Commnet placed four of those cells into commercial service, and completed its drive-tests of those four cells to determine the composite coverage provided by those operating locations. However, a major problem arose with respect to the fifth and last cell, which was to be located on Bald Mountain, near the boundary between the two census tracts and was to cover substantial designated road-miles in each of the two census tracts. This problem is

¹ Commnet and its affiliate, Commnet Four Corners, LLC are on track to timely complete construction and drive-testing by the August 17, 2015 deadline with respect to each of their other five census tracts: Churchill, Esmeralda, Humboldt and Nye (as to Commnet of Nevada), and Pueblo, Colorado (as to Commnet Four Corners).

due to a factor beyond Commnet's control and which could not have been anticipated, specifically, the involuntary loss of access to this Bald Mountain location.

Based upon the drive tests Commnet conducted earlier this month of the initial three-cell build-out (*i.e.*, without Horse Canyon, the fourth site, without Bald Mountain and without any replacement sites for Bald Mountain), Commnet is currently serving 64% of the eligible road-miles in Eureka, and at least 56% of the eligible road-miles in Lander.²

Strict enforcement of the current deadline would not serve, and indeed, would frustrate the underlying purposes of, Section 54.1006. In addition, in light of the unique factual circumstances, failure to grant the requested extension would be inequitable, unduly burdensome, and contrary to the public interest. Commnet has been diligent, and has no reasonable alternative to the requested extension of time. Finally, strict enforcement of the rule in this case would be an undue hardship upon Commnet.

The facts here are analogous to loss of a cell site in wireless licensing, Section 1.946(e)(1) of the Rules, and the recent Connect America Fund decision regarding Alaska Communications Systems, DA 15-668 (WCB, released June 8, 2015) ("*ACS Order*"), where extensions of time are deemed appropriate.

For all these reasons, the Commission should grant the requested extensions of time with respect to Section 54.1006.

² After Commnet completed its drive tests, Commnet completed construction of an additional (fourth) cell site at Horse Canyon, serving Lander County, as discussed in more detail in Part II, *infra*. Although Horse Canyon is now operating, Commnet has not yet completed additional drive-testing to see how much additional road-mile coverage that cell adds in Lander County. Therefore, the actual current coverage of eligible road-miles within Lander County is somewhere in excess of 56%, because there is some additional coverage from the Horse Canyon site. However, Commnet does not believe that Horse Canyon alone will enable Commnet to reach the 75% threshold.

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

In the Matter of

Universal Service Reform – Mobility Fund)	WT Docket No. 10-208
Commnet of Nevada, LLC Request of for Waiver and)	
Extension of Time of Mobility Fund Phase I)	
Construction Deadline for Two Census Tracts)	

To: Chief, Wireless Telecommunications Bureau
Chief, Wireline Competition Bureau

**REQUEST FOR WAIVER AND EXTENSION
OF TIME TO COMPLETE CONSTRUCTION AND
TO SUBMIT DRIVE-TEST RESULTS RESPECTING
TWO CENSUS TRACTS IN RURAL NEVADA**

Commnet of Nevada, LLC (“Commnet”) is a winning bidder from Mobility Fund Phase I (FCC Auction No. 901) for six census tracts in Nevada. Commnet hereby requests the following with respect to two of its six census tracts, Lander (T32015000300) and Eureka (T32011000100): a) an extension of time within which to meet its 75% road-miles coverage requirement; and b) an extension of time as to the date upon which Commnet’s road-miles coverage in each of those two census tracts will be measured, for purposes of determining Commnet’s overall entitlement to Mobility Fund Phase I support for those census tracts.³ Specifically, Commnet is asking that: a) the date for Lander (T32015000300) be extended from the current August 17, 2015 to and including April 30, 2016; and b) the date for Eureka

³ Commnet and its affiliate, Commnet Four Corners, LLC are on track to timely complete construction and drive-testing by the August 17, 2015 deadline with respect to each of their other five census tracts: Churchill, Esmeralda, Humboldt and Nye (as to Commnet of Nevada), and Pueblo, Colorado (as to Commnet Four Corners).

(T32011000100) be extended from the current August 17, 2015 to and including December 31, 2016. As discussed herein, good cause exists for this request.⁴

I. BACKGROUND

Commnet serves remote and rural areas in and adjoining the state of Nevada. Commnet was the winning bidder for six census tracts in Nevada in Auction 901, including Lander and Eureka. Commnet began its planning and preparation for the required build-out prior to the auction, and has diligently worked since before the auction to achieve the timely construction and launch of its Mobility Fund Phase I facilities.

Lander and Eureka are two adjacent census tracts in rural Nevada, where most of the land is owned by the federal government. In order to achieve coverage of at least 75% of the designated road-miles in eligible census blocks in each census tract, Commnet designed a network of five cells. Commnet placed four of those cells into commercial service, and completed its drive-tests three of those cells to determine the composite coverage provided by those operating locations.⁵ However, a major problem arose with respect to the fifth and last

⁴ All facts set forth herein which are not otherwise already subject to official notice are supported by either or both of: a) the declaration of Mark Hansen, Commnet's Vice President of Network Operations, attached hereto; and b) the letter from the Bureau of Land Management ("BLM") to this Commission, dated as of May 20, 2015 ("BLM Letter"), a copy of which is also attached hereto.

⁵ After Commnet completed its drive tests, Commnet completed construction of an additional (fourth) cell site at Horse Canyon, serving Lander County, as discussed in more detail in Part II, *infra*. Although Horse Canyon is now operating, Commnet has not yet completed additional drive-testing to see how much additional road-mile coverage that cell adds in Lander County. Therefore, the actual current coverage of eligible road-miles within Lander County is somewhere in excess of 56%, because there is some additional coverage from the Horse Canyon site. However, Commnet does not believe that Horse Canyon alone will enable Commnet to reach the 75% threshold.

As soon as Commnet is able to complete drive-testing for Horse Canyon, Commnet will supplement this Extension Request to report the updated percentage coverage of eligible road-miles within Lander County.

cell, which was to be located on Bald Mountain, near the boundary between the two census tracts and was to cover substantial designated road-miles in each of the two census tracts. This problem is due to a factor beyond Commnet's control and which could not have been anticipated, specifically, the involuntary loss of access to this Bald Mountain location.

Based upon the drive tests Commnet conducted earlier this month of the initial three-cell build-out (*i.e.*, without Bald Mountain and without any replacement sites for Bald Mountain), Commnet is currently serving 64% of the eligible road-miles in Eureka, and at least 56% of the eligible road-miles in Lander. Shape-files documenting these coverage percentages are contained in Commnet's annual ETC report, Form 690, now being filed.

II. CHRONOLOGY OF EVENTS

Prior to Auction 901, Commnet made a preliminary design of a four-cell system to provide 3G service to both Lander and Eureka, which four-cell system included a mountain-top location on Mount Tenabo. In November, 2012, Commnet approached a private company with its own tower on Bureau of Land Management ("BLM") property on Mount Tenabo about either collocation or construction of an adjacent tower. That tower owner provided Commnet with reasonable assurance of site availability. As the auction approached, Commnet conducted additional due diligence regarding this location, and discovered that the BLM is contending that the existing tower was unlawfully constructed and should be removed, and that BLM will not countenance any further tower construction on Mount Tenabo. Accordingly, Commnet abandoned any pursuit of a site at Mount Tenabo.

Further RF coverage modeling confirmed that to adequately replace the coverage which a Mount Tenabo location would have provided, Commnet would need to have a five-cell system, not four, and would need locations at *both* Horse Canyon and Bald Mountain to replicate the

Mount Tenabo coverage. Commnet moved forward with the BLM respecting both Horse Canyon and Bald Mountain. Commnet filed its formal SF-299 land use application for Bald Mountain on November 15, 2013, ninety days after receipt of its Auction 901 award. At that time, BLM already had provided Commnet with reasonable assurance that both Horse Canyon and Bald Mountain were available. Indeed, there was already an existing communications tower on Bald Mountain, operated by the U.S. Navy.

Commnet and BLM worked diligently and in cooperation to fulfill all regulatory/land use requirements pertaining to these two replacement sites. Horse Canyon ultimately received final approval, was constructed earlier this month, and is now operating.⁶ However, Bald Mountain's processing was delayed, due to factors beyond Commnet's control.

First, the Navy advised that not only could Commnet *not* collocate, Commnet would need to redesign its proposal for a second tower to protect the Navy from interference. Commnet presented its redesign to the Navy in July, 2014, but the Navy did not notify BLM of its concurrence in this redesign until February, 2015.

Second, budget and personnel resource constraints limited BLM regarding the determination of what information and research would be required to be included in the mandatory Environmental Assessment ("EA") which Commnet would need to prepare for BLM. Although Commnet had retained the required environmental consulting firm from BLM's list of approved contractors, BLM personnel were unable to meet with Commnet and the environmental consultant until BLM's new fiscal year funding came through in October, 2014. The parties had

⁶ As previously noted, Commnet's 56% coverage of Lander County does *not* include the additional road-miles Commnet now covers from Horse Canyon. Commnet will supplement this Extension Request with the updated, higher coverage percentage resulting from the launch of Horse Canyon as soon as that data is available.

the necessary EA meetings in November, 2014, and Commnet moved forward on the EA. Commnet also advanced just over \$20,000 cash to BLM to help defray BLM's costs of working on the matter.

As part of the EA process, Commnet also completed the SHPO/THPO notification process, and received no objection to the Bald Mountain proposal, either from the Nevada SHPO or any of the tribal THPOs.

At some time in 2015, BLM personnel happened upon a BLM document from 1996, which had not been viewable electronically and the existence of which had been unknown to any of the BLM personnel working with Commnet. After its own internal review and confirmation of the authenticity of this document, on May 14, 2015, BLM directly notified Commnet of the existence of this document, an amendment to the BLM's Resource Management Plan ("RMP"), which stated that all communications towers are prohibited on Bald Mountain. (Apparently the Navy tower is grandfathered.) Thus, on May 14, 2015, Commnet suffered the involuntary loss of its proposed Bald Mountain site.

III. CALCULATION OF THE NEW PROPOSED DEADLINES

Because all of the potential sites are on BLM land, Commnet will have to go through the standard BLM procedures before obtaining final approval to construct, and because BLM is a federal agency, not a state or local agency, the time constraints of Section 332 of the Communications Act of 1934 as amended, 47 U.S.C. §332, do not apply here. In fact, BLM personnel have been extremely cooperative even though they are not obligated to do so by Section 332. Nevertheless, because BLM's funding has been adversely affected by Congress, its ability to move quickly has been compromised.

A. Lander County (T32015000300)

Working diligently with the BLM, Commnet has tentatively identified a new site at Mt. Callaghan, which Commnet's modeling predicts would put Commnet's overall coverage of eligible road-miles within Lander County above the required 75% threshold. However, this Mt. Callaghan location remains a tentative location. At this time, Commnet still must complete the SHPO/THPO process, obtain formal BLM approval, and obtain various other required permits and approvals.

Moreover, depending upon the timing of receipt of such other approvals (and assuming that all such approvals are successfully received), Commnet may be forced to construct this Mt. Callaghan location in January or February, 2016. The roads in this area are generally closed during that period due to snow-pack. Commnet is ready to clear a path to the site using a Caterpillar tractor in order to construct in January or February. However, even if Commnet were to construct and launch this new site during that period, due to the snow-pack, it would not be possible to conduct any drive-testing until the snow melted, likely not until the beginning of April, 2016.

Accordingly, Commnet hereby requests an extension of time within which to submit its drive-test showing for Lander County to and including Monday, April 30, 2016.

B. Eureka County (T32011000100)

BLM first identified a potential replacement site at Tonkin, which Commnet then modeled and found to be suitable from both a coverage and backhaul-availability standpoint. The parties began moving forward on this location. Unfortunately, on June 22, 2015, BLM advised Commnet that after further internal review, the Tonkin site would be near at least three nesting sites for the sage grouse, a protected bird species, and that there is only a 50/50 chance at best

that the parties could devise a means to protect the sage grouse if the site is developed. In other words, the Tonkin site is likely not available to Commnet.

On June 23, 2015, BLM delivered to Commnet data concerning the sage grouse for Commnet to use, not only with respect to Tonkin, but also with respect to other potential BLM locations if Tonkin is not available. Commnet's engineers are currently working with this information, but given the exigencies of the situation, Commnet is not comfortable relying upon Tonkin as a solution.

For that reason, Commnet is reviewing a number of additional sites in Eureka County, but each of the potential alternatives appears to have problems, either in terms of its coverage of eligible road-miles not already covered, or in terms of the ability to achieve line-of-sight (point-to-point) backhaul from the location to the rest of the network. Without Tonkin, Commnet estimates that it will need to build two or three new sites to replicate that coverage, and Commnet has not yet even identified those sites.

As noted, once Commnet identifies suitable replacement sites, Commnet still must complete the SHPO/THPO process, obtain formal BLM approval, and obtain various other required permits and approvals. Because of the sage grouse population in the area (according to the materials BLM recently provided), no matter what sites Commnet chooses, Commnet will need to prepare and submit for BLM review an Environmental Assessment that addresses the potential impacts upon the sage grouse population and explains the proposed actions to be taken to avoid adverse impacts upon the sage grouse population. That will lengthen the amount of time required to obtain BLM approval.

As a result, Commnet expects that it will take another ten to twelve months to make a final determination respecting, and to complete the approvals process for, the replacement

locations. From there, Commnet expects it will take another three months to physically construct (including backhaul facilities to the Commnet switch) and test the equipment, and another three to four weeks after commercial launch to drive-test as required by Section 54.1006. That would mean Commnet needs until Monday, December 31, 2016, within which to construct, launch, and drive-test with respect to Eureka County.

IV. WHY THIS REQUESTED EXTENSION IS JUSTIFIED

There are two rule sections in Part 1 which address the question of waiver of Commission rules – Sections 1.3 (which addresses rule waivers generally) and 1.925 (which is specific to rule waivers involving wireless telecommunications). Section 1.3 simply says the Commission may waive any rule for “good cause”. Section 1.925 is more detailed, and delineates the factors the Commission would consider in assessing whether “good cause” exists. Specifically, Section 1.925 states that a waiver is appropriate if:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

As discussed herein, Commnet meets both prongs of the test set forth in Section 1.925, and therefore there is good cause to grant the extension which Commnet is requesting.

A. Strict Enforcement of the Deadline Would Frustrate the Purposes of the Rule

Section 54.1006 establishes a deadline for demonstrating that a funding recipient is providing service to at least 75% of the eligible road-miles in a given census tract for two main purposes. First, establishing a deadline ensures that the Commission’s stated goal of the reverse auction – extending advanced mobile services to remote areas that otherwise would not have such advanced services – is accomplished as soon as feasible. Second, establishing a deadline

maintains the integrity of the Commission's processes, by demonstrating that those who disobey Commission rules will be sanctioned, thus deterring private persons from intentionally or recklessly disregarding Commission rules.

1. An Extension Will Expedite the Initiation and Maintenance of Service

In this case, Commnet is asking for short extensions of time, roughly eight months for Lander County and sixteen months for Eureka County, within which to complete construction and drive testing. By granting Commnet's requested extensions of time, the Commission will be expediting the initiation of service to the remainder of the eligible road-miles in these two census tracts, because in the absence of such extensions, these road-miles will remain unserved for the indefinite future, probably many years.

Moreover, Commnet is already providing partial service to these two census tracts from the four cell sites (the fourth being the recently-launched Horse Canyon site) already in operation. The existing coverage in each tract is already more than 56% (*i.e.*, most of the way toward the 75% threshold). But if the Commission denies the requested extension, refuses to deliver the remainder of the high-cost funding, and requires Commnet to pay back (with interest and potentially penalties) the partial funding already received by Commnet, then Commnet will be unable to justify the continued operation of these five cell sites and will have to take them out of service, returning these newly-served areas to unserved status. These areas, having lost their service, also will remain unserved indefinitely, probably for many years.

2. An Extension Will Not Undermine the Regulatory Regime

Admittedly, every person seeking an extension can argue that an extension will deliver service to the involved area more quickly than would disqualification followed by starting out the process (in this case, awarding of high-cost funding) all over again. And if a person had not

been diligent about trying to meet the deadline, the Commission's other rule purpose – maintaining the integrity of the regulatory regime – might override the interest in expediting service to the area. But here, aside from the substantial partial construction and initiation of partial service to the involved area (over 56% in each case), granting Commnet its extension does not undermine the Commission's interest in maintaining the integrity of its regulatory regime, because Commnet patently *has* been extremely diligent, and the extension is needed due entirely to events outside of Commnet's control.

As discussed in Part II, Chronology of Events, *supra*, Commnet planned out its proposed 3G system and obtained at least oral reasonable assurance of site availability for cell sites even before Auction 901 took place. Even though Commnet's initial contemplated location at Mount Tenabo turned out to be unavailable,⁷ Commnet still was able to re-engineer and to initiate the process for replacing Mount Tenabo with two new sites, including Bald Mountain, within ninety days of the Commission announcing the Auction 901 award to Commnet for these two census tracts.

Commnet has already built and is already operating five new cell sites in fulfillment of its award for these two census tracts, serving 64% of the eligible road-miles in Eureka and over 56% of the eligible road-miles in Lander at this time. Moreover, these two census tracts, Eureka and Lander, are only two of the seven census tracts for which Commnet and its affiliated Commnet entities obtained Auction 901 awards. Commnet is completing the other five census tracts on time, and soon will file its required drive tests for each of those other five census tracts. Timely serving over 75% of the eligible road-miles in five out of seven census tracts, plus

⁷ Mount Tenabo became unavailable because the existing tower there turned out to have been constructed by its owner without the required BLM approval (something that tower owner failed to disclose timely to Commnet).

servicing a portion (albeit less than 75%) of the eligible road-miles in the other two census tracts is evidence of diligence on Commnet's part.

Moreover, and this is key, the failure to timely reach the 75% level in these two census tracts was out of Commnet's control. As set forth in Part II, *supra*, and in the BLM Letter, neither BLM personnel nor Commnet were aware of BLM's inability to allow Commnet to build at Bald Mountain until the eleventh hour. Where, as here, a person had reasonable assurance of site availability but lost that reasonable assurance later on due to such an event, the Commission has always deemed such a loss to be an event out of the person's control, and grounds for an extension of time.

Thus, for example, Section 1.946(e)(1) of the Commission's Rules, which governs the standards for extension of time to construct in wireless licensing matters, states that: "An extension request may be granted if the licensee shows that failure to meet the construction or coverage deadline *is due to involuntary loss of site or other causes beyond its control.*" (Emphasis added.) Although this section was adopted in 1998, it re-codifies earlier rules to the same effect dating back to at least the 1980s.⁸

Nor does the Commission have only Commnet's certification as to its continued diligence in trying to construct timely, the Commission also has the attached letter from the Commission's sister federal agency, the BLM. The BLM specifically states that "Commnet and the [BLM]

⁸ See, e.g., former Section 22.43(b)(1)(ii), as in effect in 1989 (and possibly earlier), which stated (emphasis added):

If an FCC Form 401 construction permit modification application is filed to relocate a base station, prior to the expiration date of the construction permit, *because of a loss of a site or other involuntary reasons due to causes beyond the applicant's control*, the underlying construction permit will automatically be extended pending disposition of the modification application.

have been working together diligently since 2013 on the location of facilities to serve the involved areas", and further, that the inability to meet the Commission's deadline is due entirely "to a recently-discovered factor . . ." BLM Letter, p.1.

In addition, if this Extension Request is denied and Commnet is severely punished, by way of having to repay the partial funding received and not receive the rest of its funding, it would have a chilling effect upon all wireless carriers, who would likely refrain from bidding in future Mobility Fund auctions rather than engage in a project with such minor rewards and such huge risks. Indeed, denial of this Extension Request could undermine the future viability of the entire Mobility Fund concept.

Where, as here, the person requesting the extension has patently been diligent, and the need for extension is completely due to factors outside of its control, granting the extension does not undermine the Commission's interest in maintaining the integrity of its regulatory regime.

B. In View of the Unique Circumstances, to Apply the Rule Would Be Inequitable, Unduly Burdensome, and Contrary to the Public Interest

In this case, the extension is required because of an amendment to the BLM's plan for the area that was made, well before the current BLM employees came into their present positions, and about which even the BLM personnel were unaware until recently. The likelihood of such circumstances happening is, to put it mildly, extremely slim. To strictly apply the current August 17, 2015 deadline against Commnet under these circumstances would be inequitable, extremely burdensome upon Commnet, and contrary to the public interest in maintaining Commnet's recently-launched partial service to these census tracts and extending that service further within these two census tracts. This constitutes an independent justification for granting Commnet its requested extension of time.

In this respect, the Wireline Competition Bureau (“WCB”) recently ruled that a situation almost exactly the same as this one presents unique circumstances which render application of the deadline inequitable, and justify an extension of time, with respect to Connect America high-cost support funding. Specifically, in *Connect America Fund*, DA 15-668 (WCB, released June 8, 2015) (“*ACS Order*”), the WCB extended the CAF Phase I deployment deadline for Alaska Communications Systems (“ACS”), where ACS lost one of its microwave tower sites, at least temporarily, because a family of endangered American bald eagles is nesting there. This microwave tower is part of the only available middle-mile backhaul route between 138 of the locations which ACS is obligated to serve with its support funding, and the rest of the ACS network. *ACS Order*, ¶2. ACS will timely complete its build-out to the remainder of the 2,291 locations it is obligated to serve using the support funding. *Id.*

As in the *ACS Order*, Commnet and its affiliates have completed the rest of the network needed to serve the seven census tracts for which they are awardees in Auction No. 901. As in the *ACS Order*, Commnet lost a crucial tower location at the eleventh hour through no fault of its own, and but for the loss of this location, would have made the deadline in its entirety. Because Commnet is similarly situated to ACS, the Bureau here should afford Commnet the same relief.⁹

C. Commnet Has No Reasonable Alternative to an Extension

In this case, Commnet has done everything that it could do, including the initiation of service from the remaining cell sites and the timely provision of partial service to these previously-unserved census tracts. Commnet has moved quickly to re-engineer its system as soon as Commnet learned that Bald Mountain would be unavailable, and continues to work with

⁹ See, e.g., *Telephone and Data Systems, Inc. v. FCC*, 19 F.3d 42 (D.C. Circuit, 1994) (failure to reach the same result in two cases, despite the relevant facts being virtually the same, is arbitrary and capricious decisionmaking).

BLM on alternative locations to collectively replace it. In short, there is nothing that Commnet could have done differently, and there is and was no reasonable alternative for Commnet. An extension of the deadline is the only reasonable solution.

Because Commnet has no reasonable alternative, this constitutes an independent basis for granting the requested extension of time.

D. Strict Rule Enforcement Is Inequitable and Draconian

If this Extension Request were denied, not only would Commnet never receive the remainder of its support funding for these two census tracts, but Commnet would be required to repay the partial funding already received, plus interest and penalties, even though Commnet had already spent the money to build. This would be an unnecessary hardship upon Commnet, and an unduly harsh penalty, given that the failure to reach the 75% threshold was beyond Commnet's control and that Commnet was diligent about meeting its obligations, not merely for these two census tracts but also for the other five census tracts where Commnet is meeting the deadline. This constitutes an independent reason to grant the requested extension of time.

CONCLUSION

Good cause exists to grant Commnet extensions of time of its obligation to construct and to submit drive tests, through and including April 30, 2016 with respect to Lander County (T32015000300), and December 31, 2016 with respect to Eureka County (T32011000100). Good cause exists to allow Commnet to have until those dates to demonstrate service to at least 75% of the eligible road-miles in those census tracts, consistent with Section 54.1006 of the Commission's Rules. Strict enforcement of the current deadline would not serve, and indeed, would frustrate the underlying purposes of, Section 54.1006. In addition, in light of the unique factual circumstances, failure to grant the requested extension would be inequitable, unduly

DECLARATION OF MARK HANSEN

I, Mark Hansen, hereby declare under penalty of perjury as follows:

1. I am the Vice President, Network Operations, for Commnet Wireless, LLC and its subsidiaries, including, among others, Commnet Nevada, LLC and Commnet Four Corners, LLC (collectively, "Commnet"). I have been involved in the network operations of wireless networks for over twenty-five years, and been involved in the design, construction and operation of wireless networks throughout the western and southwestern United States during that time. It was I who supervised the design, construction and operation of the new infrastructure facilities associated with Commnet's seven cease and desist orders from FCC Auction No. 901, including those for Eureka (T32011000100) and Lander (T32015000300) Counties in Nevada.

2. I began in the wireless industry in 1987, with Northern Telecom in its Wireless Division. At the time, Northern Telecom was one of the leading manufacturers of infrastructure equipment for the then-nascent cellular industry. At Northern Telecom, I was responsible for wireless network builds and verification that all new software loads met the customer's (i.e., wireless carrier's) engineering specifications. I joined one of those wireless carriers, Commnet Cellular (no connection to Commnet Wireless) in 1991 as a support engineer. Over the nine years at that carrier, Mr. Hansen held a succession of jobs with increasing responsibility, rising to Assistant Vice President of Engineering. Commnet Cellular had nine wireless mobile switching centers, over 500 cell sites and 1.4 million subscribers when it was sold to Verizon in 2000.

3. In November of 2000, I joined Commnet Wireless as V.P. Engineering and Operations. When Commnet Wireless was acquired by Atlantic Tele-Network, Inc. ("ATN") to become its largest domestic subsidiary in 2005, I graduated to my current position, where I handle network operations matters not only for Commnet Wireless but also for its sister wireless companies in the Caribbean.

4. I have read the foregoing Commnet of Nevada request for extension of its Section 54.1006 deadline with respect to Eureka and Lander ("Extension Request"), to which this Declaration is attached. All facts set forth in the Extension Request are true and correct.

Executed June 30, 2015.


Mark Hansen

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mormon Lewis Field Office
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Battle Mountain, Nevada 89820
Phone: 775-633-4000 Fax: 775-635-4034
http://www.blm.gov/wy/office/battle_mountain_fko.html

MAY 28 2015

Re: 2800 (NVO100)

Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Att: Wireline Competition Bureau and Wireless Telecommunications Bureau

To Whom It May Concern:

This letter is written in support of the request by Commnet for an extension of its FCC Mobility Fund Phase I construction deadline with respect to the two above-referenced winning bids from that FCC auction. As discussed herein, Commnet and the Bureau of Land Management ("BLM") have been working together diligently since 2013 on the location of facilities to serve the involved areas, but, due to a recently-discovered factor, the BLM cannot allow Commnet to construct a new tower and base location on Bald Mountain (near the boundary between Lander and Bureka Counties), and the parties must determine one or more alternate locations to enable Commnet to accommodate the involved service area in those counties.

After earlier informal and oral contacts, Commnet formally filed its SF-299 application with BLM seeking authorization to construct and operate a Bald Mountain location on November 15, 2013. Bald Mountain was considered a good candidate site at the time, in part because there is already a communications tower on that mountain operated by the United States Navy. Commnet continued to supplement its SF-299, as and when BLM determined that additional information was required for the application to be complete.

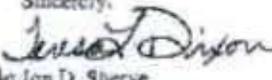
In July, 2014, BLM informed Commnet that its initial proposed location was too close to the Navy tower, and (also in July, 2014) Commnet proposed another location on the mountain which would protect the Navy's operations from interference. The Navy formally indicated its absence of opposition to the revised Commnet location in February, 2015.

Due to various uncontrollable circumstances, the anticipated meetings to discuss matters anticipated for inclusion in the Environmental Assessment ("EA") did not occur until after commencement of the next fiscal year (October, 2014). Those meetings were held in November, 2014. Commnet has also advanced over \$20,000 to BLM to cover BLM's anticipated costs.

On May 14, 2015, BLM notified Comnet that there had been previously unknown 1996 and 1998 amendments to the BLM Resource Management Plan (Shoshone-Eureka Resource Management Plan dated February 26, 1986) for the involved area which prohibits establishment of any communications towers on Bald Mountain (the Navy facility apparently having been grandfathered). Until this fact came to light, both BLM and Comnet had presumed that Comnet likely would be able to obtain all required approvals in order to construct there.

BLM and Comnet continue to work on determining a viable alternative to enable Comnet to serve these areas. BLM supports Comnet's request for an extension of its construction deadline while this work proceeds. If you have any questions or concerns, please contact Jonathan Kramer at 775-635-4053.

Sincerely,


Jon D. Sherve
Acting Field Manager
Mount Lewis Field Office

cc: Comnet of Nevada, LLC