



ACRS
2601 NW Expressway, Suite 405W
Oklahoma City, OK 73112

VIA ECFS

December 30, 2015

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

Attention: Wireline Competition Bureau

**Re: Wichita Online, Inc. Petition for Limited Waiver – ETC Deadline
Rural Broadband Experiments
WC Docket No. 10-90, WC Docket No. 14-259**

Dear Ms. Dortch:

Wichita Online, Inc. (WOI) respectfully submits the summary and clarification below related to the above Petition for Limited Waiver of the ETC Deadline per their communication with USAC on December 30, 2015.

On December 5, 2014 when Wichita Online became aware they were selected for the receipt of the funds, the management immediately confirmed by reading the Final Oklahoma Corporation Commission Order No. 563559 (attached) granting their ETC designation and confirmed that their ETC designation was for all the service territory of AT&T OK and Windstream and based on that review of the Order, management believed that the census blocks included in this auction (a copy of which are attached herein) were in fact covered by existing ETC Order. The company thereafter proceeded diligently to complete the 5620 application and supporting documentation that needed to be filed with the FCC with plans to upload evidence of the LOC commitment letter and ETC designations by the February 3, 2015 and the March 5, 2015 deadlines respectively.

In early February 2015, the company began looking at assimilating all of the information to prepare for the ETC filing with the FCC. Upon further review, management discovered that the census blocks covered by the auction were not in its then current ETC designation for Windstream but were in another Windstream company's service territory. Immediately upon discovering this management contacted counsel and requested they file to expand their ETC designation to include the subject census blocks. Thereafter, on February 12th, 2015 they contacted their counsel who then contacted the Commission Staff to confirm that they would be filing an ETC designation to expand their current ETC designation to include other exchanges of Windstream. In Oklahoma, management discovered Windstream has three operating companies each with the name Windstream. Those operating companies are Windstream Oklahoma, Oklahoma Windstream and Windstream Communications. Management believed the census blocks covered by the



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auction were in Windstream Communications service territory and since WOI had ETC designation in Windstream's service territory it believed the census blocks were within its

ETC designation. Once it was determined that the census blocks were in fact not in the Windstream operating company in which WOI held its ETC designation management contacted counsel to expand its ETC designation to include the new Windstream service territory.

Counsel advised the management that pursuant to previous ETC designations granted by the Oklahoma Corporation Commission that an Order should be issued within 90-120 days of filing the request. The Application was filed on February 20, 2015 with the understanding that the OCC would issue an Order prior to the June 1 deadline.

Dated this 30th day of December, 2015.

Respectfully submitted,

A handwritten signature in blue ink that reads "James Lightfoot".

James Lightfoot, P.E.

President/CEO

ACRS

2601 NW Expressway, Ste. 405W

Oklahoma City, OK 73112

Telephone direct line: 405-753-7168

Telephone mobile: 405-202-3060

Facsimile: 405-843-9852

Email: jamesl@acrsokc.com

cc: Universal Service Administration Company

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF **WICHITA ONLINE, INC.** FOR)
 DESIGNATION AS AN ELIGIBLE) CAUSE NO. PUD 200800107
 TELECOMMUNICATIONS CARRIER PURSUANT TO)
 THE TELECOMMUNICATIONS ACT OF 1996 AND)
 FOR APPROVAL OF ITS INITIAL LIFELINE AND)
 LINKUP TARIFF) ORDER NO. **563559**

HEARING: December 4, 2008
 Before Maribeth D. Snapp, Administrative Law Judge

APPEARANCES: Mary Kathryn Kunc, Ron Comingdeer and Kendall W. Parrish, Attorneys,
representing Wichita Online, Inc.
 Lenora F. Burdine, Deputy General Counsel, *representing*
 Public Utility Division, Oklahoma Corporation Commission

FINAL ORDER
DESIGNATING WICHITA ONLINE, INC.
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND APPROVAL OF
INITIAL LIFELINE AND LINKUP TARIFF

BY THE COMMISSION:

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of Wichita Online, Inc. ("Applicant" or "Wichita Online") for an order of the Commission designating it as an Eligible Telecommunications Carrier ("ETC") in the service areas of Southwestern Bell Telephone L.P. d/b/a AT&T Oklahoma ("AT&T") and Valor Telecom now Windstream Communications ("Windstream"); and approval of its initial Lifeline and Linkup Tariff.

PROCEDURAL HISTORY

On April 8, 2008, Wichita Online filed an Application with the Commission requesting the Commission issue an order designating it as an ETC pursuant to the Telecommunications Act of 1996 in the service areas of AT&T and Windstream; and approval if its initial Lifeline and Linkup Tariff. On May 9, 2008, Order No. 553766 was issued establishing a Procedural Schedule in this

cause. On May 29, 2008, Prefiled Testimony was filed by Dustin Hilliary on behalf of the Applicant. On November 21, 2008, Prefiled Testimony of Chris Herbison was filed on behalf of the Commission Staff.

SUMMARY OF TESTIMONY

Mr. Dustin Hilliary, Vice-President of Finance and Operations for Wichita Online testified on behalf of the Applicant. Mr. Hilliary stated that his Prefiled Testimony was accurate and the pleadings with their attachments filed in this case are true and correct to the best of his knowledge. He further testified that the purpose of the above-entitled Application was to request Commission designation as an ETC in the service areas of AT&T and Windstream, and for approval of Wichita Online's initial tariff.

Mr. Hilliary explained that Wichita Online is a certificated competitive local exchange company ("CLEC"). He stated that Wichita Online is authorized to provide local exchange and ancillary services throughout the State of Oklahoma, initially within the service areas of AT&T and Windstream. He explained that Wichita Online was requesting ETC designation for the purposes of providing Lifeline service where the Company was providing services utilizing its own facilities. Mr. Hilliary further testified Wichita Online was requesting ETC designation for receipt of Oklahoma Universal Service Support and Federal Universal Service Support to be able to be reimbursed for the provisioning of Lifeline service. He further acknowledged that he was aware that Wichita Online may only receive universal service support for those services provided utilizing their own facilities.

Mr. Hilliary explained that Wichita Online desires to offer Lifeline and Linkup Services to its customers and had filed their initial Lifeline and Linkup tariff for approval in the instant cause. Mr. Hilliary attested that Wichita Online would provide the nine federally designated services set forth in 47 C.F.R. §54.101(a) and the Primary Universal Service Offerings defined in OAC 165:59-1-4. Mr. Hilliary stated the Company will advertise in media of general distribution throughout their entire service area within sixty (60) days of OCC designation of Wichita Online as an ETC. He explained that Wichita Online currently advertises its' services on 5 local radio stations, 14 local newspapers, 4 billboards, direct mailing, and door-to-door marketing.

Counsel asked Mr. Hilliary if he was familiar with the Federal Communications Commission's recent Order¹ wherein it has capped, on an interim basis, the amount of high cost support a Competitive ETC may receive and whether it was his opinion the Order would affect this instant application. Mr. Hilliary replied that he was familiar with the Order and did not think it should affect the application. He explained that as he understood the Order, the FCC has, on an interim basis, capped the amount of high cost support CETCs can receive from the universal service fund but the low income portion of the Fund was not affected. Counsel for Wichita Online then read a portion of the Order into the record as follows, "As the FCC stated in paragraph 30 of the Order,

'...there are advantages to obtaining and maintaining an ETC designation regardless of whether a competitive ETC receives high-cost support. In particular, the ability of competitive ETCs to receive low-income universal service support shows value in obtaining and maintaining ETC designation separate and apart from high-cost support.'"

Mr. Hilliary testified that Wichita Online would accept secondary carrier of last resort obligations for the areas it is seeking ETC status in. He further testified that Wichita Online had entered into Interconnection Agreements with both AT&T and Windstream which had been filed at the Commission. He explained that the Agreements will allow Wichita Online to provide Lifeline service to requesting customers where the Company does not have facilities.

Mr. Hilliary testified that Wichita Online has been expanding its network and September 2008, Wichita Online was awarded a \$3,984,000 USDA Rural Utilities Service Broadband loan. He explained that the loan will be used to build out broadband and voice services to 52 rural communities in Oklahoma. He stated that the loan will allow Wichita Online to deploy the latest and greatest technology to bring advanced services to their customers. Mr. Hilliary explained that Wichita Online currently utilizes Pre-WiMAX technology which will be easily upgraded when WiMAX (an advanced wireless network) is rolled out in 2009 which will offer customers a clearer signal. He further explained that Wichita Online deploys a highbred fiber coax network to provide quality service to customers and plans several FTTH (Fiber-to-the-Home) projects throughout Southwest Oklahoma and will use its current fixed based wireless internet sites to provide phone service.

¹ See *In the Matter of High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, CC Docket No. 96-45; Order, released May 1, 2008.

Mr. Hilliary testified he had reviewed the prefiled testimony of Commission Staff witness, Chris Herbison, and agreed with her recommendations. Mr. Hilliary further testified that the Company understood it could only receive universal service support for the universal service offerings provided utilizing Wichita Online's own facilities and that any Federal USF must be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended pursuant to the Telecommunications Act. Mr. Hilliary stated that he believed granting Wichita Online ETC status was in the public interest to promote competition and would bring additional services to customers.

Counsel for the Commission Staff stated for the Court that he waived cross-examination for Mr. Hilliary.

Ms. Chris Herbison, Public Utility Regulatory Analyst in the Telecommunications Group, testified on behalf of the Commission Staff. Ms. Herbison testified that she did not have any changes or corrections to her testimony. She further stated that she agreed with the testimony given by Mr. Hilliary. Ms. Herbison testified she had reviewed the filing of Wichita Online; including the pertinent sections of the Commission's Rules, the Telecommunications Act of 1996, two affidavits provided by Mr. Hilliary, the 5 year quality of service plan, and the Company's unlimited flat rated Lifeline plan. Ms. Herbison stated that based upon her review, Staff recommended approval of Wichita Online as an ETC in the exchanges of AT&T and Windstream.

Ms. Herbison stated that Wichita Online was requesting ETC designation for receipt of both Oklahoma Universal Service Funds and Federal Universal Service Funds for the purpose of offering Lifeline service and requesting reimbursement. She testified that she reviewed the Lifeline and Linkup tariffs submitted by the Company and they were adequate.

The ALJ asked Ms. Herbison whether the geographic area Wichita Online would be providing Lifeline service was former Tribal land; therefore customers would receive Enhanced Lifeline Service. Mr. Herbison replied in the affirmative.

Counsel for Wichita Online stated for the Court that she waived cross-examination for Ms. Herbison.

After hearing all the evidence and statements of counsel, and there being no objections, the ALJ recommended approval of the Application and recommended that Wichita Online be designated as an ETC throughout AT&T Oklahoma's and Windstream's exchanges, and approval of Wichita Online's initial Lifeline and Linkup tariff. The ALJ further found that since Wichita Online was not

requesting to be designated an ETC in a rural ILEC's exchanges, then an in depth public interest determination was not required under the law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above-entitled cause pursuant to the provisions of 47 U.S.C. §214(e)(2); 47 C.F.R. § 54.201; Art. IX, §18 of the Oklahoma Constitution; 17 O.S. §131, *et seq.*; OAC 165:55, *et seq.*; and OAC 165:59 *et seq.*

The Commission further finds, based upon the testimony, evidence and record in this Cause, that it is in the public interest to grant the Application of Wichita Online as requested, and that Wichita Online should be designated as an ETC throughout the exchanges of AT&T Oklahoma and Windstream for the purpose of receiving Federal USF and OUSF for the provisioning of Lifeline service.

The Commission further finds that Wichita Online's initial Lifeline and Linkup tariff should be approved.

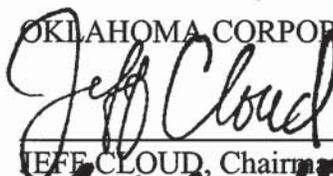
ORDER

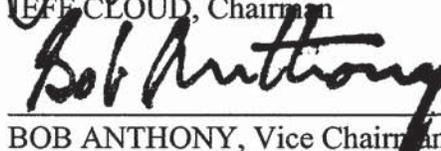
IT IS THEREFORE THE ORDER OF THE OKLAHOMA CORPORATION COMMISSION that the Recommendations of the Administrative Law Judge are hereby approved.

IT IS FURTHER ORDERED that the above findings are hereby the Order of the Commission.

IT IS FURTHER ORDERED that Wichita Online is hereby designated an ETC throughout the exchanges of AT&T Oklahoma and Windstream for the purpose of receiving Federal USF and OUSF; and Wichita Online's initial Lifeline and Linkup tariff are hereby approved.

OKLAHOMA CORPORATION COMMISSION


JEFF CLOUD, Chairman


BOB ANTHONY, Vice Chairman

JIM ROTH, Commissioner

DONE AND PERFORMED THIS 18 DAY OF DECEMBER, 2008.
BY ORDER OF THE COMMISSION.



PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing Findings, Conclusions and Order are the Report and Recommendations of the Administrative Law Judge.



Maribeth D. Snapp, Administrative Law Judge

12-12-08
Date

State	County	TractFIPS	Exchange	CBFIPS
OK	Kiowa	40075963600	Mountain View	400759636001002
OK	Kiowa	40075963600	Mountain View	400759636001148
OK	Kiowa	40075963600	Mountain View	400759636001149
OK	Kiowa	40075963600	Mountain View	400759636001150
OK	Kiowa	40075963600	Mountain View	400759636001158
OK	Kiowa	40075963600	Mountain View	400759636001159
OK	Kiowa	40075963600	Mountain View	400759636001163
OK	Kiowa	40075963600	Mountain View	400759636001164
OK	Kiowa	40075963600	Mountain View	400759636001165
OK	Kiowa	40075963600	Mountain View	400759636002001
OK	Kiowa	40075963600	Mountain View	400759636002004
OK	Kiowa	40075963600	Mountain View	400759636002005
OK	Kiowa	40075963600	Mountain View	400759636002006
OK	Kiowa	40075963600	Mountain View	400759636002014
OK	Kiowa	40075963600	Mountain View	400759636002015
OK	Kiowa	40075963600	Mountain View	400759636002017
OK	Kiowa	40075963600	Mountain View	400759636002018
OK	Kiowa	40075963600	Mountain View	400759636002034
OK	Kiowa	40075963600	Mountain View	400759636002036
OK	Kiowa	40075963600	Mountain View	400759636002037
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OK	Kiowa	40075963600	Mountain View	400759636002408
OK	Kiowa	40075963600	Mountain View	400759636002410
OK	Kiowa	40075963600	Mountain View	400759636002431
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OK	Comanche	40031002200	Mountain View	400310022003024
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