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**Congress of the United States**  
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EDUCATION AND WORKFORCE TRAINING

March 22, 2016

Tom Wheeler, Chairman  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: Written *Ex Parte* Presentation: Westelcom Network, Inc.'s Petition for Limited, Expedited Waiver of the Definition of a "Rural CLEC" as per §61.26(a)(6) of the Commission's Rules – WC Docket No. 15-69

Dear Chairman Wheeler,

I am writing to express my support for the petition for limited waiver submitted by Westelcom Network, Inc. (Westelcom) to the Federal Communications Commission (FCC) for the classification of Westelcom as a rural competitive local exchange carrier (CLEC) under the definition found in 47 C.F.R. §61.26(a)(6). Westelcom is a regional leader in fiber-based broadband networks providing services to 6 counties in the Adirondack North Country region of New York, reaching residents, critical community facilities, and healthcare facilities. Their investment in the North Country allows opportunities for business marketing, telemedicine technology, and education for our students.

The 21<sup>st</sup> Congressional District of New York (NY-21) is the third largest east of the Mississippi River and is predominantly classified as rural. It also includes Watertown, home of the Fort Drum military base. In 2012, Watertown was reclassified by the Census Bureau as an "urbanized area" due to the inclusion of the Fort Drum population and additional surrounding communities. Watertown's rural character remains, regardless of the Census Bureau's changes to administrative procedures determining an area's classification.

The "rural exemption" rule found in 47 C.F.R. §61.26(a)(6) effectively permits rural CLECs to charge higher switched access service rates to offset the higher delivery costs associated with being a rural CLEC. In 2011, the FCC issued their USF/ICC Transformation Order (the Transformation Order) to provide rural CLECs a transition period for these higher

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rates to phase down to zero. As a rural CLEC, Westelcom, has utilized these revenues to continue expanding and investing in broadband services in underserved rural areas.

Westelcom operated its business under rural CLEC status until Watertown was reclassified by the Census Bureau as an urbanized area. Following this reclassification, Westelcom lost its rural CLEC status. The company is now excluded from this phase down opportunity afforded to rural CLECs, resulting in an abrupt loss of access service revenue. It is my understanding that as a result, Westelcom has had to implement an austere budget and revise their original business plan, making it difficult to maintain, expand, or continue to improve their network.

Rural regions like NY-21 do not always have access to broadband networks, and without companies like Westelcom, broadband would be far less accessible. Many essential societal services now require broadband connectivity. The medical field, for example, increasingly relies on broadband access for communication, efficiency, and organization. Healthcare professionals now rely on broadband to transfer and move electronic data such as medical records, tests, and images.

Telemedicine has also proven an invaluable resource made possible by broadband connectivity, especially in regions where medical services are difficult to obtain. Many of my constituents have been positively impacted by telemedicine, from our aging population to our veterans. For example, many veterans rely on the Veterans Administration (VA) for all of their medical care. In NY-21, these veterans contend with geographic obstacles, and may spend over two hours traveling to and from these appointments – each way. Clinics administered by the VA are more accessible, but quite often are not staffed with full-time medical specialists or doctors. Some of these clinics now offer telemedicine. This availability reduces the burdens of travel, employs cost-saving measures for both veterans and the VA, and expands access to care.

Telemedicine and engaging in medical information sharing are difficult or impossible to implement without broadband connectivity. Westelcom's work in the rural Adirondack North Country area has made them a leading provider of these communications services to our smaller health care facilities by interconnecting a significant number of hospitals, clinics and practices. Westelcom provides mission-critical services to two major telemedicine networks, more than 120 health care facilities, and eight regional hospitals in NY-21. This company is making investments in rural communities where larger broadband carriers appear unwilling to make the same commitment.

I was pleased to see a recent letter from your office responding to concerns Senator Robert Casey presented regarding a potential issue facing his state. The FCC's aspiration to "ensure that all Americans have access to vital communications services...[and] affordable

access to high-speed broadband”<sup>1</sup> is something I ardently support. Furthering these goals is vital to the North Country, and Westelcom’s contribution advances this objective. Broadband expansion is vital to connecting with and competing in today’s world, making its availability a necessity for our students, businesses, and greater community. In a district where several counties are completely devoid of broadband access, it would be devastating if a telecommunications company that is working to expand this network can no longer invest in our community.

I respect the FCC’s duty to make decisions consistent with their standards and objectives; however, I ask that you give Westelcom’s petition for limited waiver your most serious consideration. Approval of this petition would allow Westelcom the opportunity to continue providing services to my district while growing their network and expanding broadband access. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elise M. Stefanik". The signature is fluid and cursive, with the first name "Elise" being the most prominent part.

ELISE STEFANIK  
Member of Congress

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<sup>1</sup> Letter from FCC Chairman Wheeler, 21 Jan. 2016, to Senator Robert Casey in response to Sen. Case’s letter dated 20 Nov. 2015 regarding Mobile Citizen and Mobile Beacon.