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Before the  
Federal Communications Commission  
Washington, D.C. 20554  
DISPATCHED BY

In the Matters of )  
)  
Federal-State Joint Board on )  
Universal Service ) CC Docket No 96-45  
)  
Centennial Cellular Corporation's )  
Request for Waiver of Section )  
54.307(b) of the Commission's )  
Rules )  
)  
)

**ORDER**

**Adopted: March 4, 1999**

**Released: March 4, 1999**

By the Acting Chief, Accounting Policy Division:

**I. INTRODUCTION**

1. In this Order, we grant Centennial Cellular Corporation's (Centennial's) request for waiver<sup>1</sup> of the July 31, 1998 deadline for submitting to the Universal Service Administrative Company (USAC) the loop count data required under section 54.307(b) of the Commission's rules.<sup>2</sup> Waiver of the July 31, 1998 deadline will allow Centennial to receive universal service support in 1999, effective January 1, 1999.

**II. BACKGROUND**

2. On September 30, 1998, Centennial requested a waiver<sup>3</sup> of the July 31 deadline for submitting to USAC the loop count data required under section 54.307(b) of the Commission's rules.<sup>4</sup> In its request, Centennial acknowledges that the Commission's rules

<sup>1</sup> Letter from Karlyn D. Stanley to Magalie Roman Salas, FCC, dated September 30, 1998 (*September 30, 1998 Letter*).

<sup>2</sup> Section 54.307(b) provides in relevant part: "In order to receive universal service support, a competitive eligible telecommunications carrier must provide the Administrator on or before July 31st of each year the number of working loops it serves in a service area." 47 C.F.R. § 54.307(b).

<sup>3</sup> *September 30, 1998 Letter*.

<sup>4</sup> 47 C.F.R. § 54.307(b).

require competitive eligible telecommunications carriers to submit specified data to the universal service Administrator on or before July 31 of each year. Centennial states, however, that "the confusion and volume of new information surrounding universal service" caused it to overlook the July 31 filing date.<sup>5</sup> In its February 10, 1999 *ex parte* letter, Centennial also notes that a general government strike lasting several days in July, 1998 and a month-long strike by employees of the Puerto Rico Telephone Company (PRTC) in July, 1998 "strained Centennial's time and resources and necessitated a diversion of its attention to the immediate situation at hand . . . to the neglect of its routine duties."<sup>6</sup> Centennial states that "[s]abotage to PRTC's systems affected telephone services throughout the island, placing additional burdens on Centennial's operations in Puerto Rico and on its ability to interconnect with PRTC."<sup>7</sup> Centennial notes, however, "that on August 20, immediately upon realizing the filing date had lapsed, Centennial filed its data submission with USAC."<sup>8</sup> Accordingly, Centennial seeks a waiver of the July 31 deadline contained in section 54.307(b) of the Commission's rules and requests that its data submission filed with USAC on August 20, 1998 be accepted.<sup>9</sup>

3. On October 15, 1998, the Accounting Policy Division of the Commission's Common Carrier Bureau issued a public notice seeking comment on Centennial's request for waiver.<sup>10</sup> No comments or reply comments were received in response to the October 15, 1998 public notice.

### III. DISCUSSION

4. The Commission may waive any provision of its rules on its own motion, or on petition, if good cause therefor is shown.<sup>11</sup> A petitioner applying for a waiver must demonstrate that special circumstances warrant a deviation from the general rule, and that such a deviation will serve the public interest.<sup>12</sup>

5. We find that special circumstances warrant a deviation from the general filing

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<sup>5</sup> *September 30, 1998 Letter.*

<sup>6</sup> *See Letter from Karlyn D. Stanley to Lisa Boehley, FCC, dated February 10, 1999, at 2.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Centennial Cellular Corp. Request for Waiver of Section 54.307(b) of the Commission's Rules on Data Submission Requirements*, Public Notice, DA 98-2074, CC Docket No. 96-45 (Oct. 15, 1998).

<sup>11</sup> 47 C.F.R. § 1.3.

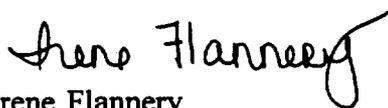
<sup>12</sup> *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *Wait Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 C.F.R. § 1.3.

deadline provided in section 54.307(b) of the Commission's rules, and that such a deviation is in the public interest. Specifically, we recognize that the regulatory changes stemming from the Telecommunications Act of 1996 may have placed an administrative burden upon providers that are for the first time receiving federal universal service support.<sup>13</sup> This fact, together with the highly unique circumstances affecting Centennial during July, 1998, lead us to conclude that Centennial has established the existence of special circumstances sufficient to warrant a deviation from the general rule. We further find that such a deviation is in the public interest to the extent that it will serve the Commission's goals of facilitating the participation of new providers and promoting competition in the universal service context.<sup>14</sup> We, therefore, grant the request of Centennial to waive the July 31, 1998 deadline for submitting to USAC the loop count data required under section 54.307(b) of the Commission's rules, and direct USAC to accept as timely filed the data submitted by Centennial to USAC on August 20, 1998. Waiver of the July 31, 1998 deadline will allow Centennial to receive universal service support in 1999, effective as of January 1, 1999.

#### IV. ORDERING CLAUSE

6. Accordingly, IT IS ORDERED, pursuant to Sections 1, 5(c), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 155(c), and 254, and sections 1.3, 0.91, and 0.291 of the Commission's rules, 47 C.F.R. §§ 1.3, 0.91, and 0.291, that the Request for Waiver of Section 54.307(b) of the Commission's rules, 47 C.F.R. § 54.307(b), IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION



Irene Flannery  
Acting Chief, Accounting Policy Division

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<sup>13</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>14</sup> See *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC No. 98-278 (rel. Oct. 26, 1998) (seeking comment on the extent to which wireless telecommunications providers are supplying services eligible for support under the federal universal service support mechanisms and on additional steps the Commission might take to facilitate participation of new providers and promote competition in the universal service context).