

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Lifeline and Link Up Reform and) WC Docket No. 11-42
Modernization)

**REQUEST FOR EXTENSION OF TIME
TO SUBMIT BROADBAND PILOT PROPOSAL**

NTCH, Inc. (“NTCH”), by its attorneys, hereby requests on behalf of itself and its operating subsidiaries an extension of time in which to submit an application to participate in the Broadband Pilot Adoption Program (“Pilot Program”). The procedures for application for the Pilot Program were set forth in a Public Notice announced on April 30, 2012. *Wireline Competition Bureau Announces Application Procedures and Deadline for Applications to Participate in the Broadband Adoption Lifeline Pilot Program*, Public Notice, DA 12-483 (released April 30, 2012) (“*Public Notice*”). The Public Notice set forth the procedures for filing applications, elements that needed to be included and other particulars regarding the process of participating in the program. Most significantly, however, the Public Notice established a hard deadline of July 2, 2012 to submit an application. Public Notice at p.5. Because the Order of the full Commission that established the Pilot Program¹ requires applicants to be Eligible Telecommunications Entities (ETC’s) as of the filing deadline, the Bureau cannot waive this eligibility criterion. *Lifeline Order* at Para. 334.

The *Lifeline Order* notes that a carrier which is “contemplating” becoming an ETC should act promptly “to begin the process. The Commission will make every effort to process such applications in a timely fashion.” *Id.* It is apparent that the full Commission thought that it

¹ In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, rel. Feb. 6, 2012 (FCC 121-11). (“*Lifeline Order*”)

would be possible for a carrier to initiate the ETC designation process in February or March of 2012 and have its ETC designation in hand with enough time to prepare and file a Broadband Pilot Program application by July 2. This estimate was wildly inaccurate. Given the Commission's limited resources, the number of ETC designations under review, and the need to incorporate the newly changed rules (which only became effective in May) into the process, it was and is impossible for the staff to act on any significant number of ETC petitions in that timeframe.² NTCH's own FCC ETC application, which broke new ground on forbearance from unnecessary study area redefinitions in this context, has now been pending for more than *two and a half years* and remains ungranted despite NTCH's efforts to quickly comply with each new set of rules and each new policy which the Commission implements.

Similar problems have plagued state-administered ETC petitions. In South Carolina, for example, the Public Service Commission had to place all ETC applications on hold when the Commission adopted the *Lifeline Order* so that it could determine how the new rules affected its procedures and requirements. NTCH's South Carolina ETC petition, which was filed more than a year ago, has therefore been delayed and is not likely to be granted until sometime in August.

In the case of both the FCC and the state commission, NTCH filed far in advance of any reasonably prospective deadline for participation in either the Broadband Pilot Program or the Mobility Fund Auction. Except for the requirement to serve a rural ILEC's entire study area—the subject of its forbearance petition—NTCH's application was complete and grantable under the rules in effect at that time. Only the extended timeline for processing its forbearance request (more than a year), the need to have a compliance plan submitted and approved, the frequently

² NTCH recognized immediately that the deadline for filing Pilot Program applications was unrealistically short. It accordingly filed a Petition for Reconsideration of the Public Notice challenging the date established. The petition for reconsideration has not been put out for comment or acted on.

shifting regulatory requirements applicable to its petition subsequent to grant of its forbearance petition, , and the need for the relevant regulatory staffs to review, digest and apply new rules have prevented NTCH's petition from being granted. Under these circumstances, it would be arbitrary and capricious, not to mention unfair, to preclude NTCH from the opportunity to participate in the Pilot Program.

In addition to being fundamentally fair to NTCH, NTCH's participation would be likely to aid the Commission in developing the data that it hopes to gather through the Program. NTCH has specialized in facilities-based service to low income or otherwise disadvantaged communities and it has experience offering low cost communications services, often associated with community incentive programs or other promotional tools. These are the markets that the Commission intends to learn about from the Program. Exclusion of one of the carriers most likely to deliver useful and distinctive data would undercut and diminish the very benefits that the Commission is trying to achieve.

For all of these reasons, therefore, NTCH respectfully requests that it be given through the end of August to submit its Pilot Program application. This should permit both the FCC and the South Carolina PSC the time necessary to complete their review and grant the pertinent ETC petitions. NTCH will, of course, file earlier if its ETC petitions are acted on earlier than mid-August. In that connection, NTCH has urged the South Carolina PSC to expedite its processes so that NTCH can have a meaningful opportunity to participate in the Program.

Respectfully submitted,

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