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October 21, 2013

Via ECFS

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

Re: Hiawatha Broadband Communications, Inc.;
In the Matter of Implementation of the Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93 ("Proceeding");
Streamlined Financial Hardship Waiver Renewal

Dear Ms. Dortch:

On behalf of Hiawatha Broadband Communications, Inc. ("HBC"), we request renewal of HBC's waiver, under the streamlined waiver process, of the Commission's CALM Act rules. We attach HBC's certifications as required by paragraphs 52 through 54 of the December 13, 2011 Report and Order in the Proceeding.¹

If you have any questions, please contact us.

Sincerely,

Jacob E. Baldwin

Attachment

cc: Dan Pecarina
Rochelle Pervisky

¹ *In the Matter of Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, 26 FCC Rcd. 17222, ¶¶ 52-54 (2011).

Streamlined Financial Hardship Waiver Renewal

CERTIFICATION

1. My name is Dan Pecarina and I am Executive Vice President of Hiawatha Broadband Communications, Inc. ("HBC"). I certify as follows.
2. HBC is a small, independent multichannel video programming distributor ("MVPD") serving rural southeastern Minnesota and western Wisconsin.
3. HBC is required to obtain equipment to comply with the Commission's CALM Act rules¹ and, in 2012, obtained a one-year waiver of that requirement under the streamlined financial hardship waiver process.²
4. HBC seeks to renew that waiver to delay for one additional year the requirement to obtain the equipment needed to come into compliance with the rules.³
5. HBC continues to meet the definition of "small MVPD system."⁴ As it did on December 31, 2011, HBC serves fewer than 15,000 subscribers. Further, HBC is not affiliated with a larger operator serving more than 10 percent of all MVPD subscribers.
6. Financial circumstances continue to prevent HBC from being able to obtain the necessary and specified equipment required for compliance with the CALM Act requirements.
7. Accordingly, HBC is entitled to a renewal of its waiver for one additional year.

The foregoing is true and accurate to the best of my knowledge, information, and belief.

Date: October 1, 2013



Dan Pecarina
Executive Vice President
Hiawatha Broadband Communications, Inc.

¹ 47 C.F.R. § 76.607(a)(2).

² See Exhibit A (HBC's initial waiver request and "acknowledgement of request" dated October 12, 2012); see also *In the Matter of Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, 26 FCC Rcd. 17222, ¶ 52 (2011) ("CALM Act Order") (small MVPDs may consider the waiver granted when they file the required information online and receive an automatic "acknowledgement of request").

³ CALM Act Order at ¶ 52, fn. 228 (entities may request a renewal of the waiver for one additional year if they certify that they continue to meet the definition of small and that financial circumstances continue to prevent them from obtaining the equipment necessary to comply with the rules).

⁴ CALM Act Order at ¶ 54 (defining small MVPD system as one with fewer than 15,000 subscribers and that is not affiliated with a larger operator serving more than 10 percent of all MVPD subscribers).

Exhibit A
Initial Waiver Request and “Acknowledgement of Request”



A Limited Liability Company

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Adriana L. Kissel
Admitted in Illinois and Maryland

October 12, 2012

Via ECFS

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

**Re: Hiawatha Broadband Communications, Inc. (“HBC”);
In the Matter of Implementation of the Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93 (“Proceeding”);
Streamlined Financial Hardship Waiver Request**

Dear Ms. Dortch:

On behalf of HBC, we request a one-year waiver, under the streamlined waiver process, of the FCC’s CALM Act rules. We attach HBC’s certifications as required by paragraphs 52 through 54 of the December 13, 2011 Report and Order in the Proceeding.

If you have any questions, please contact us.

Sincerely,

Adriana L. Kissel

Attachment

cc: Dan Pecarina
Rochelle Pervisky

Streamlined Financial Hardship Waiver Request

CERTIFICATION

1. I, Dan Pecarina, Executive Vice President of Hiawatha Broadband Communications, Inc. ("HBC"), certify as follows.
2. HBC is a small, independent MVPD serving parts of rural southeastern Minnesota and western Wisconsin.
3. HBC is required to obtain equipment to comply with the FCC's CALM Act rules¹ and seeks a waiver from that requirement under the streamlined financial hardship waiver process.²
4. Under the streamlined financial hardship waiver process,³ HBC is eligible for a one-year delay in obtaining the equipment needed to comply with the FCC's CALM Act rules.
5. HBC meets the definition of "small MVPD system."⁴ As of December 31, 2011, HBC served fewer than 15,000 subscribers. Further, HBC is not affiliated with a larger operator serving more than 10 percent of all MVPD subscribers.
6. HBC needs the one-year delay to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.
7. Accordingly, HBC is entitled to a one-year delay in obtaining the equipment needed to comply with the FCC's CALM Act rules.

The foregoing is true and accurate to the best of my knowledge, information, and belief.

Date: October 12, 2012



Dan Pecarina
Executive Vice President
Hiawatha Broadband Communications, Inc.

¹ 47 C.F.R. § 76.607(a)(2).

² *In the Matter of Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, 26 FCC Rcd. 17222, ¶¶ 52-54 (2011).

³ *Id.*

⁴ *Id.* at ¶ 54.

Your submission has been accepted

ECFS Filing Receipt - Confirmation number: 20121012782264

Proceeding

Name	Subject
11-93	In the Matter of Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act.

Contact Info

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Details

Small Business Impact: NO
Type of Filing: WAIVER

Document(s)

File Name	Custom Description	Size
HBC Financial Hardship Waiver Petition as filed 101212.pdf		59 KB

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