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December 27, 2013

**Via Electronic Filing**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Long Lines Wireless, LLC  
Petition for Waiver of the Commission's Universal Service Rules;  
Reassertion of Interest and Supplement  
WC Docket No. 08-71 and CC Docket No. 96-45**

Dear Ms. Dortch:

Long Lines Wireless, LLC ("Long Lines"), by its attorneys and pursuant to the Federal Communications Commission's ("FCC" or "Commission") November 19, 2013 *Public Notice*,<sup>1</sup> hereby reasserts its interest in having the Commission rule on Long Lines' pending Petition for Waiver of the Commission's Universal Service Rules, filed with the FCC on April 22, 2009. In addition, this letter supplements Long Lines' waiver petition by providing the following information.

The waiver requested by Long Lines is required because Long Lines missed the September 30, 2008 deadline for submitting lines served as of March 31, 2008 for calculation of High Cost Model Support, and lines served as of June 30, 2008 for calculation of Interstate Access Support. The line counts were submitted to USAC by Long Lines on October 3, 2008, three days after the September 30 deadline.

The missed deadline was the result of an unexpected staff departure that coincided with the deadline for the submission of line count filings. Long Lines' internal accountant, who was responsible for making Long Lines' line count filings, tendered his resignation to Long Lines on September 20, 2008, and terminated his employment with Long Lines, effective September 30, 2008, the day that the line count filings in question were due. While Long Lines had procedures in place to transition responsibilities from the accountant to his replacement, the short time period between the tendering of the resignation and the deadline for submission of the line

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<sup>1</sup> Wireline Competition Bureau Seeks to Determine Parties' Continuing Interest in Several Petitions for Waiver of Various High-Cost Universal Service Filing Deadlines, WC Docket No. 08-71, CC Docket No. 96-45, DA 13-2218 (rel. Nov. 19, 2013) ("*Public Notice*").

counts, and the rapid shifting of priorities for the accountant during this transition period, resulted in the high-cost filing deadline being missed.

Following the submission of the line count filings on October 3, Long Lines modified its internal procedures to ensure that future line count deadlines would not be missed. Specifically, Long Lines adopted and implemented procedures to assign responsibility for line count filings to more than one employee and to circulate monthly electronic reminders to key employees. Long Lines also modified its procedures for transitioning line count responsibilities when necessitated by employee departures. Under the new procedures, a reporting schedule containing all applicable filing deadlines is circulated by Long Lines' accountant electronically via email to Long Lines' Chief Financial Officer ("CFO"), who has now been assigned joint responsibility for line count filings. The report is signed off on by the CFO on a monthly basis. A departing checklist has been prepared and is circulated to Long Lines' CFO whenever an employee with responsibility for line count reporting announces a departure from Long Lines. These procedures now ensure that a departure of a key employee immediately prior to a line count filing deadline, such as that which occurred prior to the September 30, 2008 line count filings, does not prevent a timely filing of such line counts.

The FCC has routinely granted requests for waiver of various line count filing deadlines where the company in question has (1) never previously missed a line count filing deadline; (2) submitted its line counts to USAC within 11 business days of the filing deadline; and (3) adopted procedures to ensure that line count submission deadlines are not missed in the future.<sup>2</sup> Long Lines has never previously missed a line count filing deadline. Accordingly, because (1) this is

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<sup>2</sup> See, e.g., *F&B Communications, Inc. f/k/a Farmers' and Business Men's Telephone Company Petition for Waiver of Section 54.802(a) of the FCC's Rules*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 11-560 (WCB March 29, 2011) (granting waiver where carrier filed data eight business days late and revised its internal procedures to ensure that it meets future deadlines); *Wildflower Telecommunications, LLC Petition for Waiver of Sections 54.802(a) and 54.307(c) of the Commission's Rules*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 11-1337 (WCB Aug. 2, 2011) (granting waiver where carrier missed the IAS deadline by four business days and the HCLS/LSS deadline by three business days and took steps to ensure compliance with all future filing deadlines); *CommuniGroup of Jackson, Inc. Petition for Waiver of Sections 54.307(c) and 54.802(a) of the Commission's Rules*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 10-107 (WCB Jan. 22, 2010) (granting waiver where carrier submitted line counts 11 days after the deadline and revised its internal procedures to ensure that it meets future filing deadlines); *Hopi Telecommunications, Inc. Petition for Waiver of Section 54.314(d)(1) Filing Deadline for Submission of Annual Section 254(e) Certification by Tribal and Other Carriers Not Subject to State Jurisdiction*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 10-107 (WCB Jan. 22, 2010) (granting waiver where carrier filed five business days after the deadline and revised its internal procedures to ensure timely submission of future filings); *Midstate Telecom, Inc. Petition for Waiver of FCC Rules Section 54.307(c) and Section 54.802(a)*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 10-107 (WCB Jan. 22, 2010) (granting waiver where carrier filed less than five business days after the deadline); *Western New Mexico Telephone Company, Inc. Petition for Waiver of Section 54.904(d) Filing Deadline for Submission of Annual Interstate Common Line Support Certification for a Rural Rate-of-Return Carrier*, Order, WC Docket No. 08-71, CC Docket No. 96-45, DA 10-107 (WCB Jan. 22, 2010) (granting waiver where carrier filed three days late and implemented new procedures); *Xfone USA, Inc. Petition for Waiver of Sections 54.307(c) and 54.802(a) of the Commission's Rules*, Order, WC Docket No. 08-71 (WCB April 21, 2009) (granting waiver where carrier submitted line counts six and five business days after its respective filing deadlines and revised its filing procedures); *AT&T Communications of NY and AT&T Communications of California Petition for Waiver of Section 54.802(a) of the Commission's Rules*, Order, CC Docket No. 96-45, DA 07-234 (WCB Jan. 26, 2007) ("AT&T") (granting waiver where carrier filed four days late and revised its procedures for future submissions); *Smith Bagley, Inc. Petition for Waiver of Section 54.809(c) of the Commission's Rules and Regulations*, Order, CC Docket No. 96-45 (CCB Aug. 2001) (granting waiver where carrier filed less than two weeks after the deadline).

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the first instance where Long Lines has missed a line count filing deadline; (2) Long Lines submitted its line counts only three days after the deadline; and (3) Long Lines adopted and implemented procedures to ensure the timely submission of future line counts, FCC precedent dictates the grant of the requested waiver.

Long Lines' waiver petition also satisfies the FCC's general waiver requirements. Under Section 1.3 of the FCC's Rules, the Commission may grant a request for waiver if good cause is shown. If Long Lines' waiver request is denied, Long Lines would lose \$131,442 in universal service support. The loss of such support would have a substantial adverse impact on Long Lines, which relies on the support to maintain its network and continue to provide competitive choice to wireless consumers in its rural Iowa, South Dakota and Nebraska markets. Strict application of the filing deadline would be inequitable and unduly burdensome to Long Lines.<sup>3</sup> Grant of the requested waiver is consistent with the public interest. Denying the waiver would undermine Long Lines' investments in its network, and thus its ability to ensure that customers have and maintain access to adequate services.<sup>4</sup> A waiver is also consistent with the underlying purpose of the filing deadlines. The receipt of Long Lines' filings three days late should not impose any impediment to USAC's administrative functions. Moreover, no other recipients of universal service support will be harmed by grant of Long Lines' petition. Such recipients will receive essentially the same amount of support regardless of whether the FCC grants Long Lines' request due to the small amount of Long Lines' support compared to the overall size of the high cost universal service fund. Long Lines has no alternative to filing a waiver request as USAC will not release the support in question absent a waiver order from the FCC.

Long Lines' waiver request has been pending at the Commission for almost five years, and Long Lines has thus already been penalized by being deprived for this lengthy period of the use of the support to which it is entitled. Accordingly, Long Lines respectfully requests that the Commission now act on the pending waiver request as expeditiously as possible.

Respectfully submitted,

*/s/Michael R. Bennet*

Michael R. Bennet

cc (via email): Christopher Cook  
Abdel Eqab  
Charles Tyler

4837-8674-7910, v. 2

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<sup>3</sup> See *AT&T* at par. 6 ("strict enforcement of the filing deadline would disproportionately penalize AT&T when considered in light of its actions to remedy its error.").

<sup>4</sup> *Verizon Communications Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, Order, CC Docket No. 96-45, DA 06-1861 (WCB Sept. 12, 2006) at par. 8.