

July 7, 2014

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: FairPoint Communications Missouri, Inc. Petition for Waiver or
Clarification of Section 54.313(h) of the Commission's Rules;
WC Docket Nos. 10-90 & 05-337

Dear Ms. Dortch:

On December 26, 2012, FairPoint Communications Missouri, Inc. ("FairPoint") filed a petition for waiver of Section 54.313(h) of the Commission's rules, 47 C.F.R. §54.313(h) (the "Petition"), to reinstate federal high-cost support that had been withheld by the Universal Service Administrative Company ("USAC") for July 1 through December 31, 2012.¹ USAC refused to distribute this support based on an inconsistency between the company's reporting under Section 54.313(h)(1) and the FCC's rate floor under Section 54.318 of the Commission's rules. FairPoint attempted in the Petition to correct its report or obtain clarification as to conflicting dates in the Commission's rate floor reporting requirements; however, to date, no action has been taken on the Petition.

FairPoint respectfully requests that the Commission promptly act to grant the Petition. Further, FairPoint asks that, for the same reasons articulated in the Petition, relief be granted for the period January 1 through June 30, 2013, as well as for the period July 1 through December 31, 2012 as initially requested. This is necessary because USAC, apparently unwilling to process the mid-year update that FairPoint provided on

¹ *Wireline Competition Bureau Seeks Comment on the FairPoint Communications Missouri, Inc. Petition for Waiver of Certain High-Cost Universal Service Rules or In the Alternative Clarification of Certain Commission Rules*, Public Notice, DA 13-77 (WCB rel. Jan. 18, 2013).

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December 27, 2012, has now withheld a portion of FairPoint's support for an entire year, for the period July 1, 2012 through June 30, 2013.²

As explained in the Petition, grant of the limited relief requested therein would serve the public interest by restoring critical support to a rural LEC serving a high-cost study area – support that should not have been suspended in the first place. Because FairPoint was in compliance with the rate floor as of June 1, 2012, and has remained in compliance since that time, failure to act on FairPoint's petition penalizes FairPoint and its customers without justification.

Accordingly, FairPoint respectfully requests that the Commission restore not only \$88,854.00 in support for the period July 1 to December 31, 2012, as requested in the Petition, but also the corresponding amount of support for January 1 through June 30, 2013, for a total of \$177,708.00 in high-cost support.

Please direct any questions concerning this matter to me.

Very truly yours,



Karen Brinkmann
Counsel for FairPoint

cc: Suzanne Yelen, Wireline Competition Bureau
Alex Minard, Wireline Competition Bureau
Carol Matthey, Wireline Competition Bureau

² While the Commission's rules permit local exchange carriers ("LECs") to update their local residential voice rates on or before January 2, 47 C.F.R. §54.313(h)(2), and FairPoint attempted to file an update on December 27, 2012, to restore high-cost support for its Missouri exchange as of January 1, 2013, FairPoint was informed by NECA that no update would be processed until further instruction was provided by the FCC or USAC, given that the Office of Management and Budget had not at that time approved the FCC rule permitting mid-year updates.