

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92

EMERGENCY REQUEST FOR EXPEDITED TREATMENT

PETITION FOR WAIVER

IMPACTED RLEC HUBB FILERS

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ the Impacted RLEC HUBB Filers² (or collectively, the “Companies”), listed below and detailed in the Appendix, hereby request an expedited waiver of Section 54.316(c)(1) of the Commission’s rules³ which require rate-of-return carriers to submit location information, including geocodes, into the High Cost Universal Broadband (“HUBB”) portal maintained by the Universal Service Administrative Company (“USAC”) by March 1 each year. The Impacted RLEC HUBB Filers specifically seek waiver of this rule and the associated penalties in a very

¹ 47 C.F.R. § 1.3.

² The Impacted RLEC HUBB Filers include: Interstate Telecommunications Cooperative, Inc. - MN; Manawa Telephone Company; Sand Creek Communications Company; Telephone Electronics Corporation – AL; Westphalia Telephone Company; and West River Telecom. All Companies are rate-of-return carriers. West River Telecom receives Legacy high-cost universal service support. All other Companies receive Alternative Connect America Model (“A-CAM”) support. JSI is the consultant for all listed companies for the purpose of this filing.

³ 47 C.F.R. § 54.316(c)(1).

limited manner. All of the RLEC HUBB Filers seek waiver *only* to the extent that these Companies had to certify that they had no locations to report and all seek waiver *only* for first HUBB report due March 1, 2018. As demonstrated herein, in this first-ever HUBB filing, the requirement to certify that there were no locations to report was not explicitly clear, even after the Wireline Competition Bureau (“Bureau”) released a Public Notice⁴ providing further guidance on HUBB reporting the day the filing was due.

As demonstrated in the Appendix to this petition, the Impacted RLEC HUBB Filers share several key characteristics and circumstances.⁵ For example, none were aware that they were late with filing their HUBB data, because they had *no* HUBB data to file. After they were made aware of the requirement, all demonstrated immediate willingness to comply and completed the HUBB certification. In cases where Companies have multiple study areas, some with HUBB data and some without HUBB data, employees at the impacted Companies worked with USAC; however, even in those cases, USAC representatives failed to provide clear guidance. Regardless of the specific circumstances for all of the Companies, after coming into compliance, none were notified of any consequences of the late filing until they received notice in this year’s settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii).⁶

The Impacted RLEC HUBB Filers acted in good faith to complete the HUBB requirements that they believed were required for the very first HUBB filing in 2018, but they were ultimately penalized thousands of dollars in high-cost support that is intended to be used to

⁴ Wireline Competition Bureau Provides Further Guidance to Recipients of Connect America Fund-Broadband Loop Support on Reporting and Deployment Obligations, WC Docket No. 10-90, DA 18-207 (rel. Mar. 1, 2018) (“Public Notice”).

⁵ All of the Impacted RLEC HUBB Filers that receive A-CAM support, with the exception of Manawa Telephone Company, accepted the second, revised offer made on February 25, 2019 (DA 19-115).

⁶ 47 C.F.R. § 54.316(c)(1)(i) – (ii).

deliver broadband to rural Americans. The Companies urge that the Commission expeditiously grant this petition *nunc pro tunc* and direct USAC to restore the critical universal service support for each of the petitioners that has been deducted from their respective A-CAM or Legacy support.

I. Background

The specific circumstances of each of the Impacted RLEC HUBB Filers are detailed in the Appendix, but the common theme throughout was that, because of unclear guidance, these companies were not made aware that they were required to certify that they had no locations to report until after the deadline. Each company was keenly aware of the HUBB requirements and March 1 deadline for study areas that did have locations to report. For example, Interstate Telecommunications Cooperative (“Interstate”) filed HUBB data for its two South Dakota study areas prior to the deadline, but it did not certify that it had no locations in its Minnesota study area until NTCA contacted Interstate in mid-April. By that time, it had incurred what would become a penalty of \$180,237.76 but was not made aware of the infraction until the amounts were deducted from its January and February 2019 A-CAM disbursements. However, it is clear that Interstate knew about the deadline and would have indicated no locations for its Minnesota study area if it had known of this requirement, since it did report data for two other study areas.

Similarly, Telephone Electronics Corporation (“TEC”) certified data it filed in the HUBB for its Mississippi and Tennessee study areas, but it did not certify that it had no locations in its Alabama study area until USAC contacted TEC in mid-March. As soon as TEC was notified of the issue, it immediately took steps to rectify the situation and certify that it had no locations to report as required. However, by the time more clear guidance was provided by USAC as to how to rectify the situation, TEC had incurred what would become a penalty of \$72,309.33 of which

it was not made aware until the amounts were deducted from its January 2019 A-CAM disbursements. Like Interstate, TEC knew of the deadline since it had reported data for its Mississippi and Tennessee study areas on time and would have indicated no locations for its Alabama study area if it had known of this requirement.

II. Waiver is Warranted

A. Strict Compliance is Inconsistent with the Public Interest

It is in the public interest for the FCC to grant the Impacted RLEC HUBB Filers' narrow request that applies only to the first HUBB filing and only when these Companies did not indicate there were no locations to report. Under Section 1.3, generally the Commission may exercise its discretion to waive an FCC rule "for good cause shown."⁷ Waiver is appropriate where the "particular facts would make strict compliance inconsistent with the public interest."⁸ The FCC may grant a waiver of its rules where the requested relief would not undermine the policy objective of the rule in question, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁹

Section 54.313(a)(1), the general FCC rule for the HUBB filing, states that "recipients of high-cost support with defined broadband deployment obligations...shall provide to the Administrator on a recurring basis information regarding the locations to which the eligible telecommunications carrier is offering broadband service in satisfaction of its public interest obligations."¹⁰ Specifically, Sections 54.316(a)(2) and (3) require *locational* information,

⁷ 47 C.F.R. § 1.3.

⁸ See *AT&T Wireless Services, Inc. et al. v. Federal Communications Commission*, No. 00-1304 (D.C. Cir. 2001), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁹ See generally, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); see also *Northeast Cellular* (D.C. Cir. 1990).

¹⁰ 47 C.F.R. § 54.316(a)(1).

including geocodes, but make no reference to submitting that there are no locations to report.¹¹ From the Companies' perspectives at the time, there simply was no *locational* information to report on the March 1, 2018 HUBB filing.

Further, on March 1, 2018 – the day the first HUBB filing was due – the Bureau released a short Public Notice providing some additional guidance on the HUBB filing. In this Public Notice, the Bureau stated, “a carrier **can certify** in the HUBB that it did not deploy any locations in the prior reporting year.”¹² This guidance conveyed that HUBB filers who did not deploy to any new locations in the reporting period had the *option* of certifying “no locations;” it did not convey the necessity of doing so or the severity of penalty for not doing so. Accordingly, the guidance in the Public Notice was insufficient and came too late to make the desired impact of communicating that the Commission *required* that HUBB filers with no broadband locations to report must certify “no locations” or face late-filing penalties that could significantly reduce universal service support.

The Impacted RLEC HUBB Filers now understand that the FCC and USAC require the submission and certification of “no locations.” However, at the time of the first HUBB filing, this was not clear—nor did the FCC give the “no location” filers ample time and warning that they would face penalties if they did not certify that they had no information about broadband locations to report on the March 1 deadline. For example, when TEC was notified that its HUBB filing had not been completed, TEC immediately called a USAC representative on March 5, 2018. The USAC representative told TEC that its filing “appeared to be completed and certified,” and that the representative would call back if there were any remaining issues. TEC never heard from the representative again. Moreover, as evidenced through e-mails sent to

¹¹ 47 C.F.R. § 54.316(a)(2) and (3) (emphasis added).

¹² Public Notice at 2 (emphasis added).

USAC, West River Telecommunications Cooperative (“West River”) made extensive efforts to correct the situation and certify that it had no locations to report. However, USAC told West River that the certification option had been disabled and that it did not know when it would be re-open.

Since none of the Impacted RLEC HUBB Filers understood this at the time, the public interest would be served by waiving this requirement *nunc pro tunc* and restoring the high-cost universal service support that was withheld.

B. Restoring Universal Service Funds is in the Public Interest

Each of the Companies is a small rate-of-return carrier that receives universal service funds to deploy broadband to rural residents and businesses and maintain vital voice and broadband networks to rural communities. Deployment of high-speed broadband in the rural areas where the Companies serve is vital given that there are no alternative providers meeting the needs of these rural residents and businesses. As required by Congress and affirmed repeatedly by the Commission, these universal service funds are to be sufficient and predictable. However, none of the Impacted RLEC HUBB Filers were notified by USAC in advance of receiving their January 2019 USF disbursement statement. The Companies budgeted their universal service disbursements for 2019 as though they would receive every payment in full, and then suddenly found that they did not. This required each company to quickly adjust its broadband deployment planning for the year as well as figure out how to make up for the shortfall in support since they are all obligated to build out to a certain number of locations, but now with less support.

For each company, it was a drastic adjustment and in some cases the results will directly and negatively impact the rural communities that the Companies serve. For example, Interstate is receiving \$16,714 in A-CAM support per location for its Minnesota locations. Interstate’s

penalty essentially removes payment for 9 of its 779 locations. Likewise, TEC's penalty directly affects its ability to fund construction of fiber plant in its service territory, as well as day-to-day operations and maintenance of its current network and infrastructure. Specifically, the penalty will prevent TEC from upgrading and replacing 40-year old copper in some areas with fiber plant that will serve 2,999 A-CAM locations that currently struggle to access 4/1 Mbps service or *any* service at all. Ultimately, these penalties will prevent residents in these service territories from not only accessing broadband service, but also accessing government services, health care services, educational opportunities and business opportunities.

It is in the public interest to grant the Impacted RLEC HUBB Filers' request for a limited waiver that applies only to the March 1, 2018 HUBB filing. The universal service support that was withheld from the Companies is not being taken from their bank accounts, it is being taken from the rural citizens who are counting on the Companies to deliver high-speed broadband funded with federal support. The Impacted RLEC HUBB Filers acted in good faith to complete the "no locations" certification as soon as they were contacted by the USAC or NTCA representative to be told to do so. None of the Companies deliberately missed the deadline to file "information" about broadband deployment. They all believed that since they had no information to submit, no action was required. The FCC's guidance was released too late and lacked language that would have adequately conveyed the importance of, or reason for, companies that had no information to report to still complete a certification.

The Impacted RLEC HUBB Filers all have the proper safeguards in place now to ensure that they do not miss HUBB deadlines in the future should they have years where they have no information to report, including reminders and other internal controls. The first year of a new filing requirement, especially one as involved as the HUBB filing, can have unpredictable

outcomes even with crystal clear guidance and direction. The first HUBB filing had insufficient guidance as far as companies with “no locations” were concerned. As evidenced by other waiver petitions filed, other companies had technical issues with the HUBB portal, problems with accurate geocoding, and other unexpected surprises with the HUBB.¹³ There is now considerable evidence to demonstrate that the inaugural HUBB filing was challenging for myriad and unexpected reasons, which is good cause to grant this petition. Additionally, directing USAC to disburse these funds to their designated recipients will not negatively impact the universal service fund budget or any other high-cost recipient. The negative impact here is on the Companies’ customers who may not receive broadband.

III. Conclusion

For the reasons enumerated herein, the Impacted RLEC HUBB Filers urge the Commission to expeditiously grant this petition *nunc pro tunc* and direct USAC to restore the critical universal service support to each of the Companies listed in the Appendix.

Respectfully Submitted,

/s/ John Kuykendall

John Kuykendall, Vice President

JSI

7852 Walker Dr. Suite 200

Greenbelt, Maryland 20770

Consultant for the Undersigned

¹³ See *Petition of Blackfoot Telephone Cooperative, Inc. and Fremont Telecom Company for Limited Waiver*, WC Docket No. 10-90 (filed Apr. 25, 2019); *Petition of Arctic Slope Telephone Association Cooperative for Expedited Waiver*, WC Docket Nos. 10-90, 14-58, 16-271 (filed Apr. 24, 2019); *Petition of Zenda Telephone Company for Emergency Request for Expedited Treatment*, WC Docket Nos. 10-90, 14-58, 07-135 (filed Apr. 30, 2019); *Petition of Copper Valley Telephone Cooperative, Inc. for Expedited Waiver*, WC Docket Nos. 10-90, 14-58, 16-271 (filed Apr. 29, 2019).

/s/ Laurie S. Ringle

Laurie S. Ringle, Treasurer
Westphalia Telephone Company
109 E. Main Street
Westphalia, MI 48898

/s/ James Garner

James Garner, Vice President of Operations
Telephone Electronics Corporation
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Jackson, MS 39201-2416

/s/ Harvey F. Souders

Harvey F. Souders, Vice President/General Manager
Sand Creek Communications Company
6525 Sand Creek Highway
Sand Creek, MI 49279

/s/ Doug Wenzlaff

Doug Wenzlaff, President
Manawa Telephone Company
131 2nd Street
Manawa, WI 54949

/s/ Bryan Roth

Bryan Roth, CEO
Interstate Telecommunications Coop., Inc. - MN
312 Fourth Street West
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/s/ Troy Schilling

Troy Schilling, CEO and General Manager
West River Telecom
101 Main St. W
Hazen, ND 58545

APPENDIX

Declaration of Westphalia Telephone Company

I Laurie S. Ringle, Treasurer of Westphalia Telephone Company (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is ACAM and has only one study area.

As an ACAM carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the calendar year 2017.

The Company has only one study area and, prior to the March 1, 2018 deadline, had determined that there were no locations where broadband was deployed during the relevant period. Accordingly, the Company fully believed that it was in compliance with FCC rules by not entering any information into the HUBB.

As soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. The Company cannot recall when or how it was initially notified that it needed to certify that it had no locations to report in the HUBB. However, the Company completed its HUBB filing on April 10, 2018, approximately 40 days past the deadline. The Company then received an e-mail from USAC on April 13, 2018 stating that USAC’s records indicated that the Company had not yet certified locations in the HUBB despite having already done so.

The Company was notified by USAC through e-mail that it would see a support reduction of \$559.66, in accordance with the penalty schedule in 54.316(c)(1)(ii) for each day following the March 1st deadline until the locations were certified in the HUBB. The impact to the Company has been a fine that has reached a total of \$27,166.24. The Company was first fined \$17,496.37 and then an additional \$9,669.87 in April 2019. In fact, the amount of the actual fine per day came out even higher than what was stated by USAC.

The Company has now enacted internal controls to ensure compliance in future years by assigning a specific person to manage the HUBB. Additionally, the Company has established a system to guarantee that the requirements are met. The Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

Westphalia Telephone Company

/s/ Laurie S. Ringle
By: Laurie S. Ringle, Treasurer
109 E. Main Street
Westphalia, MI 48898

Declaration of Telephone Electronics Corporation

I James Garner, Vice President of Operations of Telephone Electronics Corporation (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is ACAM and has multiple study areas.

As an ACAM carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the calendar year 2017.

The Company has multiple study areas and receives funding in three states – Alabama, Mississippi, and Tennessee. The Company had locations to report in two states, Mississippi and Tennessee, but also had locations that had not changed in Alabama. However, when the Company loaded all its information into the HUBB for all three states, the portal only provided two options for certifying – (i) certify locations that have changed or (ii) certify that zero locations have changed. Since the HUBB portal appeared to be organized by company and not by state, the Company certified that locations had changed. Therefore, for those locations with changes to report, the Company submitted that information into the HUBB portal by the March 1, 2018 deadline.

The Company was unaware that it had to certify both that locations had changed in Mississippi and Tennessee and, on a separate screen, that zero locations had changed in Alabama. When the Company spoke with USAC representatives, the USAC representatives were also unaware of this requirement. The Company spoke with USAC employees on two separate occasions, before the deadline and within the five-day grace period, and both assured the Company that its HUBB filing was completed. Had the Company known that it still had to report in the HUBB that there had been no newly deployed locations, the Company would have completed the certification for its Alabama study area on the same day as the Mississippi and Tennessee study areas, prior to the March 1 deadline.

However, as soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. On March 15, 2018, the Company was notified that it needed to certify that it had no locations to report in the HUBB after speaking with the Senior Program Manager of USAC. The Company certified that it had no locations to report on that same day.

Nevertheless, even after coming into compliance, the Company was not notified of any consequences of the late filing until the Company received notice in this year's settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii). The impact to the Company is that \$72,309.33 in ACAM funding has been withheld in Alabama. This is a significant amount of money for the Company's Alabama ILECs and will directly affect the Company's ability to fund construction of fiber plant in these areas. The ACAM funding is being used to fund day to day operations and maintenance of the current network and infrastructure. It also allows the Company to build much needed plant upgrades and replace 40-year old copper in some areas with fiber plant that will serve the 2,999 ACAM locations that currently struggle to access 4/1 service or no service at all.

The Company has now enacted internal controls to ensure compliance in future years. The Company maintains a filing matrix which tracks all regulatory filing deadlines and is reviewed and updated on a monthly-basis to forecast the rolling workload and timelines for the next 90 days.

Finally, prior to being notified of the requirement on March 15, 2018, the Company had spoken to a number of USAC representatives who were not aware that a zero-filing required additional steps and had assured the Company that its filing was complete. On March 5, 2018, the Company spoke with a Program Analyst regarding an e-mail that the Company had received, stating that the Company's filing was not completed. However, when the analyst pulled up the information for the Company, she stated that it appeared that the Company had completed and certified its HUBB filing for March 1, 2018. The analyst told the Company that she would call back if there were still any issues with the filing, but the Company never heard from her again. One week later, on March 12, 2018, the Company received another e-mail notifying it that the filing was incomplete. On March 13, 2018, the Company spoke with another USAC representative who stated that he too did not see any issues with the Company's HUBB filing. It was not until March 15, 2018, that the Company received an e-mail from the Senior Program Manager and ultimately determined that certifying the 2017 locations that had changed was only part of the process and that the Company needed to also certify that it had no locations to certify in Alabama. Therefore, the Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

Telephone Electronics Corporation

/s/ James Garner

By: James Garner, Vice President of Operations
236 E Capitol Street, Suite 400
Jackson, MS 39201-2416

Declaration of Sand Creek Communications Company

I Harvey F. Souders, Vice President and General Manager of Sand Creek Communications Company (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is ACAM and has only one study area.

As an ACAM carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the calendar year 2017.

The Company has only one study area and, prior to the March 1, 2018 deadline, had determined that there were no locations where broadband was deployed during the relevant period. Accordingly, the Company fully believed that it was in compliance with FCC rules by not entering any information into the HUBB.

As soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. The Company was told that it needed to certify in the HUBB that it had no newly deployed locations to report on April 10, 2018, when JSI, the Company’s consultant, was visiting the office and mentioned the issue. The Company immediately certified in the HUBB that it had no new locations to report within its study area on that same day.

However, after coming into compliance, the Company was not notified of any consequences of the late filing until the Company received notice in this year’s settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii). The impact to the Company is that a total of \$68,329.46 of ACAM support has been withheld. The Company was unaware that a penalty had been incurred until its January 2019 payment when NECA representatives called the Company to say that the payment was withheld due to the late certification.

The Company has now enacted internal controls to ensure compliance in future years. Had the Company known that it still had to report in the HUBB that there had been no newly deployed locations, then the Company would have completed the certification on time prior to the March 1, 2018 deadline. The Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

Sand Creek Communications Company

/s/ Harvey F. Souders

**By: Harvey F. Souders, VP and GM
6525 Sand Creek Highway
Sand Creek, MI 49279**

Declaration of Manawa Telephone Company

I Doug Wenzlaff, President of Manawa Telephone Company (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is an ACAM carrier and has only one study area.¹

As an ACAM carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the calendar year 2017.

The Company has only one study area and, prior to the March 1, 2018 deadline, had determined that there were no locations where broadband was deployed during the relevant period. Accordingly, the Company fully believed that it was in compliance with FCC rules by not entering any information into the HUBB.

As soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. On April 11, 2018, the Company received a call from a third party, stating that the Company was on NTCA’s Mike Romano’s list of companies that had not yet certified that it had no locations to report in the HUBB. Upon being notified of the issue, the Company immediately certified in the HUBB, on April 13, 2018, that it had no newly deployed locations to report.

However, after coming into compliance, the Company was not notified of any consequences of the late filing until the Company received notice in this year’s settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii). The impact to the Company is that a total of \$111,142.34 of

¹ The Company is affiliated with a Legacy carrier, Wood County Telephone Company (“WCTC”) (study area code 330974). According to the Wireline Competition Bureau’s Public Notice released October 6, 2016, WCTC had over 80% 10/1 Mbps which meant that it had no buildout or HUBB reporting obligations.

ACAM support has been withheld. In February 2019, the Company anticipated that it would receive \$66,907.69 in ACAM support but was instead shorted that entire amount. In March 2019, the Company was shorted \$44,234.65 of ACAM support, totaling \$111,142.34 in ACAM support loss. Despite this penalty, the Company's buildout requirements will not change, resulting in a shortage of funding for planned operations.

The Company has now enacted internal controls to ensure compliance in future years. The Company does not miss deadlines that it is aware of and, now that it is aware of this certification requirement, it will never overlook it again. The Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

Manawa Telephone Company

/s/ Doug Wenzlaff

**By: Doug Wenzlaff, President
131 2nd Street
Manawa, WI 54949**

Declaration of Interstate Telecommunications Cooperative, Inc. - MN

I Bryan Roth, CEO of Interstate Telecommunications Cooperative, Inc. - MN (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is ACAM and has multiple study areas.

As an ACAM carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the calendar year 2017.

The Company has multiple study areas in South Dakota and one study area in Minnesota. The Company timely reported locations in the HUBB for its two South Dakota study areas, where it did have locations to report, by the March 1, 2018 deadline. The Company’s understanding was simply that if there were no new buildout locations then there were no reporting requirements. Had the Company known that it still had to report in the HUBB that there had been no newly deployed locations, then the Company would have completed the certification for its Minnesota study area at the same time as the South Dakota study areas, prior to the March 1, 2018 deadline.

As soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. The Company was made aware that it needed to certify in the HUBB that it had no newly deployed locations in mid-April when it was contacted by Mike Romano from NTCA. Interstate immediately then certified in the HUBB, on April 13, 2018, that it had no newly deployed locations in its Minnesota study area.

However, after coming into compliance, the Company was not notified of any consequences of the late filing until the Company received notice in this year’s settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii). The impact to the Company is that a total of \$180,237.76 of A-CAM support has been withheld.

The Company's Minnesota study area receives \$16,714 per location over the ten-year A-CAM plan with a \$200 ceiling. The penalty described essentially removes payment for 9 of the Company's 779 locations. The Company is committed to providing broadband services to its customers, however, this comes at a substantial cost. The A-CAM support that the Company receives is being used to continue to deploy and maintain fiber to its customers. With such a drastic amount being withheld, there will be a shortage of funding for the Company's planned fiber commitment to its customers.

The Company takes pride in complying with deadlines and has now enacted internal controls to ensure compliance in future years. The Company has included the deadlines for reporting information in the HUBB in company calendars. Additionally, the Company has set up various reminders from different regulatory entities and consultants so that it will not miss another deadline. The Company vows to certify in the HUBB that it has no newly deployed locations to report when reporting for reporting periods. In fact, for the March 1, 2019 deadline, the Company reported that it had no new locations on February 28, 2019 so that it would not miss the deadline. The Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

Interstate Telecommunications Cooperative, Inc. - MN

/s/ Bryan Roth
By: Bryan Roth, CEO
312 Fourth Street West
Clear Lake, SD 57226

Declaration of West River Telecom

I Troy Schilling, CEO and General Manager of West River Telecom (“Company”) affirm, under penalty of perjury that the representation of the Company in the foregoing Emergency Request for Expedited Treatment – Petition of Waiver filed by the Impacted RLEC HUBB Filers (“Petition”) and the additional company-specific information provided herein in support of the Petition is true to the best of my knowledge, information and belief. I further affirm that the Company has established internal controls to ensure that it will fully comply with the March 1 HUBB reporting deadline in future years, including the requirement to report no locations if that is the case for that reporting period.

As explained in the Petition, pursuant to Section 1.3 of the rules of the FCC, the Company requests an expedited waiver of Section 54.316(c)(1) of the Commission’s rules which require rate-of-return carriers with buildout obligations to submit location information, including geocodes, into the HUBB portal maintained by the USAC by March 1 each year. Specifically, the Company seeks waiver of this rule and the associated penalties in a very limited manner - *only* for first HUBB report due March 1, 2018 and *only* to the extent that the Company had to certify that it had no locations to report. The following provides additional company-specific information in support of the Petition.

First, the Company was not aware that it was late with filing its HUBB data because it had no data to file. The Company is Legacy and has two study areas – one in North Dakota (381637) and one in South Dakota (391671) which has only one exchange. According to the Wireline Competition Bureau’s Public Notice released October 6, 2016 (“2016 Public Notice”), which provided buildout obligations for Legacy carriers based on 2015 Form 477 data, the study area in North Dakota had no buildout obligations while the study area in South Dakota had an obligation to deploy 10/1 Mbps broadband to 327 locations.

As a Legacy carrier, the Company was aware of the FCC’s requirement to input into the HUBB by March 1, 2018, the specific location information where the Company offered its broadband service in satisfaction of the public interest obligations during the period May 25, 2016 through December 31, 2017. Prior to the March 1, 2018 deadline, the Company had determined that there were no locations where broadband was deployed during the relevant period in its South Dakota study area in which the 2016 Public Notice stated the Company had buildout obligations. Accordingly, the Company fully believed that it was in compliance with FCC rules by not entering any information into the HUBB.

As soon as practical after the Company was made aware of the requirement, it promptly took actions to comply and completed the HUBB certification. On March 7, 2018, the Company became aware of the Public Notice released on March 1, 2018.

Although the Public Notice concluded with the vague statement that a carrier “can certify” in the HUBB that it did not deploy any locations in the prior reporting year, the Company was made aware that it had to certify that it had no locations.

As explained below, however, due to a system failure with the HUBB, in which the “no locations to report” option in the HUBB portal had been disabled, it was not possible for the Company to certify that it had no locations until April 18, 2018 despite many efforts to do so earlier.

Upon being notified on March 7, 2018 that the Company needed to certify that it had no locations, the Company logged into the HUBB portal and attempted to certify that it had no locations to report. However, the “no locations to upload” option was missing. On April 6, 2018, the Company contacted USAC about the issue that the “no locations to upload” option had been disabled and was told that USAC was working with the FCC to open it up again. On April 9, 2018, Mike Romano from NTCA contacted the Company to notify it of its outstanding HUBB filing, to which the Company responded that it was aware of the situation, had been in contact with USAC and was waiting for USAC’s response as to when the “no locations to upload” would again be enabled. On April 12, 2018, the Company sent another message to USAC inquiring about the system and learned that the “no locations to upload” option still was not available. On April 12, 2018, Mike Romano also sent the Company a message with an FCC contact for those still trying to file. That same day, the Company contacted the FCC and was told that those seeking to still file should contact Habib Simab at USAC for access to submit data. The Company sent a message to Habib Simab on April 12, 2018, requesting assistance with certifying its information. On April 13, 2018, Elizabeth Pertsevoi and Habib Simab at USAC notified the Company that the HUBB would be open from April 16 - 20, 2018 for those that still needed to file locations for the 2017 reporting period. The Company certified that it had no locations to report on April 18, 2018.

The Company made great efforts to comply and complete the HUBB certification upon learning of the issue. Ultimately, it was a system failure that prevented the Company from certifying that it had no locations to report earlier. However, after coming into compliance, the Company was not notified of any consequences of the late filing until the Company received notice in this year’s settlement statements of significant reductions in the amount of high-cost universal service support that followed the penalty schedule in 54.316(c)(1)(ii). The impact to the Company is that a total of \$100,143 in CAF-BLS support has been withheld, with \$71,138 of support having been withheld in January 2019 and \$29,005 of support having been withheld in February 2019.

The Company has now enacted internal controls to ensure compliance in future years. Moreover, the Company emphasizes that there was a system error with USAC’s HUBB portal that made it

impossible for the Company to immediately file its information in the HUBB upon discovering that this requirement. The Company urges the Commission to expeditiously grant the Company's Petition and direct USAC to immediately restore the universal service support that has been withheld.

West River Telecom

/s/ Troy Schilling

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