Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Universal Service High-Cost Filing Deadlines

Federal-State Joint Board on Universal Service

Petition of ASTAC Wireless LLC - CL d/b/a ASTAC Wireless for Waiver of Sections 54.307 and 54.903 of the Commission’s Rules

WC Docket No. 08-71

CC Docket No. 96-45

PETITION OF ASTAC WIRELESS LLC - CL d/b/a ASTAC WIRELESS FOR WAIVER OF SECTIONS 54.307 AND 54.903 OF THE COMMISSION’S RULES

Pursuant to Section 1.3 of the Commission’s rules, ASTAC Wireless LLC - CL d/b/a ASTAC Wireless (ASTAC) (SAC 619010), respectfully requests a waiver related to two separate filing deadlines set forth in Sections 54.307 and 54.903 of the Commission’s rules. The first relates to the Q2 2015 filing of FCC Form 525 that was saved to the USAC website on June 24, 2015, but not certified until October 10, 2015. The second relates to the Q3 2015 filing of FCC Form 525 that was filed seven days late on October 7, 2015. Due to two instances of unfortunate clerical errors, ASTAC\(^1\) now pleads for waivers of these two filing deadlines.

ASTAC contacted the Universal Service Administrative Company (USAC) on October 13, 2015.

\(^1\) ASTAC has included the certification page from both of the Form 525 forms as Attachment A.
Consistent with Commission precedent, good cause exists to grant ASTAC’s petition. Accordingly, the Commission should waive the 2Q and 3Q 2015 filing deadlines for Form 525 for ASTAC and direct USAC to accept the late filings. A failure to waive the deadline would result in the loss to ASTAC of approximately $77,500 each month in high-cost federal universal service funding, and poses an undue hardship to the company and its Alaskan customers that rely upon ASTAC to meet their telecommunications needs. ASTAC serves the North Slope Region of Alaska, a service area that encompasses over 95,000 square miles and has seven traditional Native villages, the City of Barrow and the oilfields of Prudhoe Bay scattered across that vast expanse. With the exception of Prudhoe Bay, which is built out from the terminus of the Dalton Highway, all other villages can only be reached year round by aircraft.

I. DESCRIPTION OF SITUATION AND STATEMENT OF FACTS

ASTAC is an Alaska company that provides communications services to customers in some of the most extreme and remote territory in the United States. Serving the North Slope region requires meeting the needs of customers across a geography that would on its own be the 12th largest state in the country. In this remote and desolate region, ASTAC provides essential public and personal safety services in cases where ASTAC Wireless is the only signal available to the customer.

ASTAC has timely filed all of its prior FCC Form 525 high-cost line count filings. The 2Q 2015 filing was made on a timely basis (June 24), but the step of certification was omitted due to a new clerical employee being involved at that time. Since no reduction in support had occurred, this omission was not discovered until October 10, 2015. The late October 7th execution of the 3Q 2015 Form 525 filing was simply the case of miscommunication between an employee that was previously responsible for this filing and one that was to now assume the filing.
responsibility. Steps have been taken and procedures enacted to prevent this from occurring in
the future.

II. GOOD CAUSE EXISTS FOR THE COMMISSION TO WAIVE SECTIONS
54.307 AND 54.903 OF ITS RULES IN THIS CIRCUMSTANCE

The Commission may waive its rules for good cause shown.2 Further, the Commission may
exercise its discretion to waive a rule where the particular facts of the situation make strict
compliance with the rule inconsistent with the public interest.3 The Commission may take into
account considerations of hardship, equity, or more effective implementation of overall policy on
an individual basis.4 A waiver of a filing deadline is appropriate when special circumstances
warrant a deviation from the general rule and such deviation will serve the public interest.5

The Commission has previously found that good cause exists to waive filing deadlines where
the petitioning party demonstrates that the missed deadline was the result of a minor ministerial,
clerical or procedural error.6 The Commission has also stated that good cause exists in situations
when the petitioning party promptly remedies its failure to timely file and revises its internal
procedures to ensure ongoing compliance.7 Consistent with this Commission precedent, a
waiver is justified for ASTAC. Absent a waiver, ASTAC will lose approximately $77,500 each
month in high-cost federal universal service support funding. These universal service funds are

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2 47 C.F.R. Section 1.3.
3 WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972) ("WAIT");
Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("Northeast Cellular")
4 WAIT, 418 F.2d at 1159; Northeast Cellular, 897 F.2d at 1166.
5 NetworkIP, LLC v. FCC, 548 F.3d 116, 127-28 (D.C. Cir. 2008); Northeast Cellular, 897 F.2d at 1166.
7 See, e.g., In the Matter of Petitions for Waiver of Universal Service High-Cost Filing Deadlines, et al., WC Docket
vital to ASTAC’s ability to serve its high-cost remote Alaska customers and the loss of such funding would be detrimental to the public interest. A failure to receive these universal service funds would limit the telecommunications choices and mobility available to rural Alaska villages and would negatively impact the ability of ASTAC’s customers to access critical health and safety services when away from their home base. It would be unjust to ASTAC and ASTAC’s customers for clerical errors to deprive ASTAC of approximately $77,500 each month. In sum, hardship and equity considerations support the grant to ASTAC’s requested waiver. 8

CONCLUSION

The loss of approximately $77,500 each month in high-cost universal service funding would cause ASTAC and its rural Alaska customer base undue hardship. Steps have been taken and procedures enacted to prevent this from occurring in the future. The loss of this important universal service funding would result in the decreased availability of telecommunications services to ASTAC rural customers and limit access to critical safety and health services. The grant of this waiver request will benefit the public interest and is consistent with Bureau precedent regarding waivers of high-cost filing deadlines. For all these reasons, ASTAC respectfully requests that the Commission promptly grant this petition for waiver of sections 54.307 and 54.903 of the Commission’s rules and direct USAC to accept ASTAC’s Form 525 for the applicable periods.

8 In the Matter of Federal-State Joint Board on Universal Service, et al., CC Docket No. 96-45, Order, DA 06-2584 (rel. Dec. 28, 2006) at para. 5 (finding that “[i]n this case, . . . considerations of hardship and equity – as well as North River’s longstanding history of submitting timely data – weigh in favor of granting the requested waiver” and stating that previous waivers had been granted to “‘ensW”e that consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high-cost areas, have access to telecommunications and information services.”).
Respectfully submitted,

By: /s/ Jeffry H. Smith

GVNW Consulting on behalf of ASTAC
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Tualatin, Oregon 97062
Phone: 503-612-4409
Email: jsmith@gvnw.com

October 13, 2015
DECLARATION OF CLOVER MCNEIL

I, Clover McNeil, Chief Financial Officer of ASTAC, have read the foregoing Petition for Waiver of Sections 54.307 and 54.903 of the Commission’s Rules and declare under penalty of perjury that the factual statements made therein are true and correct to the best of my personal knowledge, information, and belief.

Executed on October 13, 2015.

By: ________________

Clover McNeil
Chief Financial Officer
ASTAC
4300 B Street, Suite 501
Anchorage, Alaska 99503
Phone: (907) 563-3989
Exhibit A

FCC Form 525 Filing Certifications for Q2 and Q3 2015
PCC Form 832
High Court of Australia
Competition Report Line Call Report

TO BE COMPLETED BY THE REPORTING PARTY IF THE INFORMATION CONCERNED FULFILLS PCC TO DISCLOSE ITS OWN REQUIREMENTS.

Certification of Officer or Employee as to the Accuracy of the Data Disclosed in PCC Form 832. Line Call Report for Competitive Review.

I certify that the information or statement made in the above statement is accurate as to the accuracy of the initial data set data reported on PCC Form 832 and that the data is correct. The officer's name is reported on the data as accurate.

Name of Reporting Party: ABCDE/XYZ
Signature of Authorized Officer or Employee: __________________________
Date: __________________________

Attach a copy of the report for the appropriate employee or employee. (Attach)
TO BE COMPLETED BY THE REPORTING CARRIER. IF THE REPORTING CARRIER IS AN MRI RAC 10/20, 10/20 (See Sates, AR and AL),

<table>
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<tr>
<th>Certification of Officer or Employee as to the Accuracy of the Data Reported by FCC Form 612, Line Count Report for Competitive Carriers, on behalf of Reporting Carrier</th>
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Penalties subject to suit for violation of this form can be provided by the Act or the Act's Board under the Communications Act of 1934, 47 U.S.C. 603, 605(c), or Line Count Penalties under the Title 47 Title 47 of the United States. 47 U.S.C. § 3051.