VIA ECFS

February 21, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Wireline Competition Bureau

Re: Lake County Minnesota Petition for Waiver of ETC Designation Deadline for Rural Broadband Experiments
WC Docket No. 10-90, WC Docket No. 14-259

Dear Ms. Dortch:

Lake County Minnesota (“Lake County”) respectfully submits the above-referenced Petition for Waiver. Lake County seeks a waiver of the deadline established in the above proceeding to notify the Wireline Competition Bureau of eligible telecommunications carrier status.

Please direct inquiries regarding the Lake County Petition for Waiver to me.

Dated: February 21, 2015

GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.

By /s/Gregory R. Merz
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Enclosures

cc: Ian Forbes, Telecommunications Access Policy Division
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Connect America Fund ) WC Docket No. 10-90

Rural Broadband Experiments ) WC Docket No. 14-259

EMERGENCY REQUEST FOR EXPEDITED TREATMENT

PETITION OF LAKE COUNTY MINNESOTA FOR WAIVER OF ETC DESIGNATION DEADLINE FOR RURAL BROADBAND EXPERIMENTS

Pursuant to Section 1.3 of the rules of the Federal Communications Commission ("FCC" or "Commission"), \(^1\) Lake County Minnesota ("Lake County" or the "Company") respectfully requests waiver of the March 5, 2015, deadline to submit appropriate documentation of its eligible telecommunications carrier ("ETC") designation in each census block for which the Company is provisionally selected to receive Rural Broadband Experiment ("RBE") support. Lake County was included among the entities provisionally accepted for RBE support in the FCC Public Notice of December 5, 2014, \(^2\) and has worked diligently to ensure all RBE requirements are completed correctly and on time.

However the Minnesota Public Utilities Commission ("MN PUC") process for review and approval of the Company’s ETC designation will extend beyond March 5 and could be further delayed because a party has filed a challenge to the Company’s petition. \(^3\) Although the FCC encouraged state commissions to adopt expedited approval processes for entities

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\(^1\) 47 C.F.R. § 1.3.
\(^3\) Challenge filed by Citizens Telecommunications Company of Minnesota, February 6, 2015.
participating in the RBE, staff for the MN PUC has indicated that the Commission’s
schedule, as well as the MN PUC’s established procedures regarding public notice
and providing an opportunity for hearing, will not allow the Company’s ETC petition to be
determined by the deadline.

For the purpose of ETC designation, the MN PUC has adopted rules which parallel
federal ETC requirements to prevent fraud and abuse of the universal service programs.\(^4\)
Applicants must demonstrate ability to provide the supported services over its own facilities, to
comply with service requirements and consumer protection and service quality standards, to
remain functional in an emergency, and must describe with specificity a five-year plan for
proposed improvements or upgrades. Further, applicants must demonstrate service offerings
are comparable to or exceed the incumbent offerings.

Lake County began to prepare for its Minnesota ETC application upon release of the
Public Notice and worked diligently to prepare a complete application which addressed all
of the MN PUC’s ETC designation criteria. The Lake County ETC petition was filed on
January 29, 2015.\(^5\) A challenge to the petition was filed by the incumbent. The MN PUC
manager has indicated the MN PUC will not be able to consider the matter before the deadline.
Therefore, Lake County respectfully requests the Commission waive the March 5, 2015
filing deadline for provisionally-selected RBE participants to submit documentation of ETC
designation.

I. GOOD CAUSE EXISTS TO GRANT REQUESTED WAIVER

In general, the FCC’s rules may be waived for good cause shown.\(^6\) Waiver is

\(^4\) See Minn. R., part 7812.1400.
\(^5\) Application of Petition of Lake County Minnesota for Designation as an Eligible Telecommunications Carrier
\(^6\) 47 C.F.R. § 1.3.
appropriate where the “particular facts would make strict compliance inconsistent with the public interest.” 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.8

The Commission likely anticipated that there would be circumstances wherein a provisional winner would not be able to provide documentation of ETC designation within the 90-day timeframe, and the Commission noted in the Rural Broadband Experiments Order, “a waiver of this deadline may be appropriate if a winning bidder is able to demonstrate that it has engaged in good faith to obtain ETC designation, but has not received approval within the 90-day timeframe.”9 Lake County has acted in good faith to obtain ETC designation from the MN PUC, diligently worked to prepare the substantial information required, and timely filed its ETC application. However, the Company has been advised that the MN PUC will not be able to consider the ETC petition until after the March 5, 2015, deadline.

The FCC has good cause to grant the Company’s petition and extend the deadline to allow for the MN PUC public notice and review process. Lake County does not anticipate a significant delay and as such does not expect it will significantly impact the FCC’s RBE schedule. The FCC has good cause to grant Lake County waiver of the March 5 deadline as the company has put forth a considerable amount of time and resources into its ETC application.

Lake County's proposed RBE projects will bring service to currently unserved, rural,

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9 Rural Broadband Experiments Order at 22.
sparsely populated areas in which historically there has not been a viable business case that makes financial and operational sense for investing in broadband infrastructure. Without RBE, these areas would continue to go unserved due to the extremely high cost of bringing the proposed services to these rural areas.

II. CONCLUSION

Lake County is has consistently committed its resources to the fullest extent to meet the deadlines established for the RBE. It is in the public interest to waive the March 5 deadline for Lake County so that the Company can secure the necessary ETC designation from the MN PUC and move forward to bring affordable and reliable broadband to unserved rural areas.

Dated: February 17, 2015

GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A.

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