VIA ECFS

March 5, 2015

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

Attention: Wireline Competition Bureau

Re: Wichita Online, Inc. Petition for Waiver of ETC Designation Deadline for Rural Broadband Experiments
WC Docket No. 10-90, WC Docket No. 14-259

Dear Ms. Dortch:

Wichita Online, Inc. (WOI) respectfully submits the above-referenced Petition for Waiver. WOI seeks a waiver of the deadline established in the above proceeding to notify the Wireline Competition Bureau of the eligible telecommunications carrier status.

Please direct inquiries regarding the WOI Petition for Waiver to the undersigned consulting engineer for WOI.

Dated this 5th day of March, 2015.

Respectfully submitted,

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Enclosures

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

In the Matter of
Connect America Fund
Rural Broadband Experiments

WC Docket No. 10-90
WC Docket No. 14-259

EMERGENCY REQUEST FOR EXPEDITED TREATMENT
PETITION OF WICHITA ONLINE, INC.
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 Wichita Online, Inc. ("WOI" or the "Company") respectfully request waiver of the March 5, 2015, deadline to submit appropriate documentation of its eligible telecommunications carrier ("ETC") designation in some of the census blocks for which the Company is provisionally selected to receive Rural Broadband Experiment ("RBE") support. WOI has been designated an ETC in some of the census blocks.2 WOI was included among the entities provisionally accepted for RBE support in the FCC Public Notice of December 5, 2014,3 and has worked diligently to ensure all RBE requirements are completed correctly and on time.

However the Oklahoma Corporation Commission ("OCC") process for review and unconditional approval of the Company’s ETC designation will extend beyond March 5, 2015.

1 47 C.F.R. § 1.3.
2 See attached Oklahoma Corporation Commission (OCC) order 563559, issued on December 18, 2008 in Cause PUD 200800107 and OCC order 599427 issued on July 5, 2012 in Cause PUD 201200119.
The FCC has encouraged state commissioners to adopt expedited approval processes for entities participating in the RBE and the OCC is expediting the case but notwithstanding best efforts of WOI and the OCC staff the earliest the hearing on the merits of WOI application for ETC designation could be set is April 30, 2015. Since WOI is currently designated as an ETC throughout the exchanges of Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, Valor Telecommunications of Texas, LP d/b/a/ Windstream Communications Southwest and lacks designation only in the exchanges of Windstream Oklahoma, LLC. WOI does not anticipate any issues with the OCC’s designation of WOI as an ETC in the exchanges of Windstream Oklahoma, LLC.

For the purpose of ETC designation, the OCC has not established its own rules but generally follows the federal rules for designation of carrier to prevent fraud and abuse of the universal service programs. Applicants must demonstrate ability to provide the services that are supported by federal universal service support mechanisms using its own facilities or a combination of its own facilities and resale of another carrier’s services and advertises the availability of and charges for such services, throughout the service area for which ETC status is sought.

WOI began to prepare for its ETC designation application for the census block where it is not currently designated as an ETC upon release of the Public Notice and worked diligently to prepare a complete application which addressed all of the OCC’s ETC designation criteria. The WOI ETC application was filed on February 20, 2015. Counsel for WOI has been in

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5 Application of Wichita Online, Inc. for Designation as an Eligible Telecommunications Carrier Cause No. PUD 201500077, filed February 20, 2015
communication with OCC staff, both prior to the submission of the ETC application and subsequent to its submission. It wasn’t until today that the Administrative Law Judge for the Commission set the date for hearing WOI’s request for ETC designation for April 30, 2015. At the hearing the PUD staff indicated that April 30, 2015 is the next available date for the hearing. WOI currently holds a Certificate of Convenience and Necessity (CCN)\(^6\) for all areas in which it is seeking ETC designation as required by the RBE requirements. Therefore, WOI 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.\(^7\) 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.\(^9\) 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

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\(^6\) See OCC Order 545718 issued in PUD 200700308 and Order 563923 issued in PUD 200800305.

\(^7\) 47 C.F.R. § 1.3.


obtain ETC designation, but has not received approval within the 90- day timeframe.\textsuperscript{10} WOI has acted in good faith to obtain ETC designation from the OCC, diligently worked to prepare the substantial information required, and timely filed its ETC application. However, the Company has been advised that the OCC will not be able to grant an unconditional ETC designation to WOI until after the March 5, 2015 deadline.

The FCC has good cause to grant WOI’s petition for waiver and extend the deadline to allow for the OCC hearing and order process. WOI does not anticipate a significant delay and as such does not expect it will significantly impact the FCC’s RBE schedule. With the hearing date of April 30, 2015 set for the hearing on the merits WOI anticipates an Order to be issued by the OCC during the month of May 2015.

The FCC has good cause to grant WOI’s waiver of the March 5 deadline as the Company has put forth a considerable amount of time and resources into its ETC application. WOI’s proposed RBE project will bring service to currently underserved, rural, 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 underserved due to the extremely high cost of bringing the proposed services to these rural areas.

\section*{II. CONCLUSION}

WOI 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 WOI so

\textsuperscript{10} Rural Broadband Experiments Order at 22
that the Company can secure the necessary ETC designation from the OCC and move forward
to bring affordable and reliable broadband to underserved rural areas.

Dated this 5th day of March, 2015.

Respectfully submitted,

[Signature]
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