

Big Bend Telecom, LTD

808 North 5th Street
Alpine, Texas 79830

June 17, 2015

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20550

**Re: Big Bend Telecom, LTD Petition for Waiver of ETC Designation Deadline for Rural Broadband Experiments
Connect America Fund, WC Docket No. 10-90; Rural Broadband Experiments, WC Docket No. 14-259
Written Ex Parte Presentation**

Dear Ms. Dortch:

In the matter of its pending waiver petition,¹ Big Bend Telecom, LTD (“Big Bend” or the “Company”) respectfully submits this written *ex parte* communication to inform the Federal Communications Commission (“FCC” or “Commission”) of the extensive process which the Company undertook in order to secure Eligible Telecommunications Carrier (“ETC”) designation from the Public Utility Commission of Texas (“PUCT”). As demonstrated herein, the Company diligently sought to meet the 90-day deadline to obtain ETC designation per the requirements of the Rural Broadband Experiments (“RBE”).

In the RBE Order, the FCC acknowledged that a waiver of the ETC designation 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.”² Attached as Appendix A is a detailed timeline of events starting with the December 5 Public Notice³ and

¹ See Petition of Big Bend Telecom, LTD for Waiver of ETC Designation Deadline For Rural Broadband Experiments, WC Docket Nos. 10-90, 14-259, (filed Feb. 12, 2015) (“Waiver Petition”).

² See Connect America Fund; ETC Annual Reports and Certifications, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8786-93, para. 22 (rel. July 14, 2014) (“RBE Order”).

³ See *Wireline Competition Bureau Announces Entities Provisionally Selected for Rural Broadband Experiments; Sets Deadlines for Submission of Additional Information*, WC Docket No. 10-90, Public Notice, DA 14-1772 (rel. Dec. 5, 2014) (“December 5 Public Notice”). In the December 5 Public Notice, the FCC announced that Big Bend was a provisional winner of \$178,425 in RBE support to serve extremely high cost census blocks in rural southwest Texas.

ending with the final PUCT order approving Big Bend's designation as an ETC on March 19, 2015, two weeks after the March 5, 2015 deadline.⁴

As shown on the timeline, Big Bend and its consultants, JSI, worked diligently to ensure that every question and challenge posed by the PUCT was answered expeditiously. The timeline illustrates that Big Bend, its consultants, and the PUCT actively engaged in this process nearly every day. Big Bend and the PUCT anticipated that granting the ETC designation would take slightly longer than the March 5 deadline, and Big Bend filed a waiver on February 12, plenty of time in advance of the deadline. The timeline also demonstrates the enormous amount of effort, paperwork, and communication between the Company and the PUCT; and in the end, the ETC designation was granted mere weeks after the deadline.

Further, the timeline shows that the PUCT required Big Bend to submit a five-year network improvement plan despite the fact that the FCC waived the requirement for RBE recipients to submit five-year network improvement plans.

Big Bend has taken the RBE process extremely seriously, and is unquestionably dedicated to providing broadband to some of the most remote and rugged areas in the entire United States. The Company respectfully urges the Commission to review its Waiver Petition and the attached timeline and make a determination that the Company engaged in good faith to obtain ETC designation within the 90-day timeframe, and then to allow Big Bend to proceed with the final phases of the RBE requirements, which the Company is prepared to meet expeditiously.

Respectfully submitted,

/s/ Russell A. Moore

Russell A. Moore
General Manager / COO

cc: Carol Matthey
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⁴ See Letter from John Kuykendall, JSI Vice President, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 10-90, 14-259 (March 23, 2015).

APPENDIX A

Timeline for Big Bend Telecom, LTD ETC Designation

12/5/14 – FCC releases Public Notice announcing provisional winners of the Rural Broadband Experiments (“RBE”) auction, Big Bend Telecom, LTD (“Big Bend” or “Company”).

12/8/14 – Big Bend’s consultant, JSI, contacts Big Bend to discuss the Public Utility Commission of Texas’ (“PUCT”) obligations associated with becoming an Eligible Telecommunications Carrier (“ETC”) and an Eligible Telecommunications Provider (“ETP”). Because the PUCT requires ETC applicants to identify areas in which it is seeking ETC designation by wire center, Big Bend and JSI begin the complicated process of attempting to determine the wire centers within which the Census Blocks (“CBs”) that we subject to the grant are located. Further complicating the matter, to the extent that an ETC applicant in Texas pursues ETC designation in a portion of a non-rural Incumbent Local Exchange Carrier’s (“ILEC”) wire center, the PUCT requires the applicant to provide a map of the wire center identifying the portion of the wire center where the applicant wishes to be designated as an ETC. Due to these mapping obligations, Big Bend begins investigating commercial map sources to find reliable wire center boundary maps for the approved CBs.

12/9/14 – Big Bend and JSI hold a conference call to discuss the various steps needed to comply with the conditional RBE grant obligations. Big Bend discovers that some of the approved CBs are located in the San Antonio LATA, for which Big Bend is not yet certificated to provide telecommunications services so the Company and JSI begin preparing an application to the PUCT to revise Big Bend’s Service Provider Certificate of Operating Authority (“SPCOA”). Big Bend also discovers that some of the approved CBs are located in Windstream Southwest’s (“Windstream”) certificated area, for which Big Bend does not yet have an interconnection agreement (“ICA”) in place to exchange traffic.

12/16/14 – JSI starts gathering necessary information and begins preparing Big Bend’s application to revise its SPCOA.

12/17/14 – Big Bend submits wire center boundary maps to JSI for review and they discover that the commercially available boundary maps are inaccurate. The PUCT has different ETC obligation for non-Rural ILEC areas, rural ILEC areas, and uncertificated areas. Further ETP designation obligations differ depending on the service area as do voice service rate caps, which are 150% of the ILEC’s tariffed rate for the service area. Not having reliable maps identifying the wire centers covered by the CBs is problematic and delays being able to begin drafting the application for ETC and ETP designation.

12/17/14 – Big Bend contacts professional engineer to begin process of certifying Big Bend’s Technology Plan; submits technical documentation to the professional engineer for certification.

12/18/14 – Professional engineer certifies Big Bend’s technical documentation.

12/19/14 – Big Bend files and certifies financial and technical data associated with the RBE with the FCC.

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12/19/14 – JSI pulls PUCT exchange boundary maps for Pecos and Upton Counties and express mails them to Big Bend so that the Company’s engineers can create map overlays on CBs; Big Bend submits a bona fide request to interconnect with Windstream.

12/23/14 – Windstream provides various ICAs to Big Bend for review and possible adoption.

12/30/14 – Big Bend provides financial reports to JSI for the Company’s SPCOA revision.

1/6/15 – JSI submits draft of the SPCOA application to the Company to review.

1/6/15 – Big Bend and JSI have a conference call to discuss status of ETC/ETP application and related regulatory compliance matters. JSI begins investigating previously-approved monthly per-line state USF support levels within certain uncertificated areas that appear to be near some of the CBs so that the Company can consider applying for ETP designation within such areas.

1/6/15 – Big Bend files request with the FCC to be eligible for funding in other areas for which it submitted RBE applications if other winning entities default or withdraw.

1/7/15 – Big Bend and JSI begin developing more detailed information about the Company’s retail voice product that will be offered to customers within the ETC/ETP designated areas, some of which will have to be included in the ETC/ETP application.

1/7/15 – Having overlaid the PUCT exchange boundary maps in Big Bend’s mapping system, Big Bend provides a draft of one of the wire center maps to JSI to review. JSI provides feedback and the maps are further refined to display relevant information pursuant to PUCT prior requirements for CETC applications. Ultimately, these maps will have to be submitted with the ETC/ETP Application. Further, having identified the underlying ILEC and uncertificated areas, JSI can begin drafting the ETC/ETP Application in earnest as the requirements vary depending on the area served. JSI is also now able to begin identifying Lifeline discounts, which vary by ILEC and, in some cases, by exchange.

1/12/15 – Big Bend and JSI have a conference call to discuss status of the ETC/ETP Application and related matters. Big Bend is made aware of the PUCT rule requiring ETC applicants to submit a five-year network improvement plan along with their application for ETC designation despite the fact that the FCC waived the requirement for RBE recipients to submit five-year network improvement plans. Big Bend and JSI begin preparing a draft five-year network improvement plan to meet state rule requirements.

1/15/15 – JSI sends initial draft of ETC/ETP Application to Big Bend to begin reviewing. There are a number of operational issues that have yet to be finalized and addressed in the application.

1/16/15 – Big Bend files an application to revise its SPCOA to include the San Antonio LATA with the PUCT in Docket No. 44339 (“*SPCOA Application*”).

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1/16/15 – JSI begins drafting Lifeline and Link Up Tariffs, which will have to be included with the ETC/ETP Application.

1/19/15 – Big Bend submits draft five-year network improvement plan to JSI, which JSI revises and send back on

1/20/15 – *SPCOA Application* – Order No. 1 issued establishing procedural schedule.

1/21/15 – JSI submits draft Lifeline and Link Up Tariffs to Big Bend for review and approval.

1/22/15 – Big Bend and JSI have internal conference call to discuss five-year network improvement plan.

1/23/15 – JSI submits draft five-year network improvement plan to Big Bend for review and approval.

1/27/15 – Five-year network improvement plan finalized.

1/28/15 – JSI submits revised draft ETC/ETP application to Big Bend for review and approval.

1/29/15 – Big Bend seeks to adopt the Windstream – CenturyLink Communications ICA.

1/30/15 – *SPCOA Application* – Public notice is published in the *Texas Register*.

1/30/15 – Big Bend files an application for designation as an ETC and an ETP with the PUCT in Docket No. 44397 (“*ETC/ETP Application*”).

2/2/15 – Big Bend secures Letter of Credit commitment letter from authorized lender.

2/5/15 – Big Bend executes the Windstream ICA adoption letter.

2/4/15 – *ETC/ETP Application* – Order No. 1 issued establishing procedural schedule.

2/5/15 – *SPCOA Application* – Commission Staff files recommendation on sufficiency.

2/5/15 – *ETC/ETP Application* – Big Bend responds to Staff’s informal request and files proposed Lifeline notice language.

2/6/15 – *SPCOA Application* – Order No. 2 issued deeming application sufficient and complete.

2/9/15 – *SPCOA Application* – Deadline for intervention and public comment.

2/9/15 – *ETC/ETP Application* – Big Bend responds to Staff’s informal request and files proposed voice and Lifeline marketing brochure.

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2/10/15 – *ETC/ETP Application* – Commission Staff files recommendation on sufficiency.

2/12/15 – Big Bend seeks a waiver from the FCC of the 3/5/15 deadline to file appropriate documentation of its ETC designation (“*FCC Waiver Request*”).

2/13/15 – *ETC/ETP Application* – Order No. 2 issued deeming application sufficient and complete.

2/17/15 – Big Bend executes all of Windstream’s adoption documents and PUCT joint filing documents.

2/20/15 – Windstream and Big Bend submit joint application with the PUCT for approval of an ICA (“*Windstream ICA Application*”).

2/23/15 – *SPCOA Application* – Commission Staff final recommendation to approve SPCOA revision.

2/25/15 – *Windstream ICA Application* – Order No. 1 is issued establishing procedural schedule for Commission review.

2/27/15 – *SPCOA Application* – Notice of Approval issued approving SPCOA revision.

3/2/15 – *ETC/ETP Application* – Commission Staff issues first formal Request for Information (“RFI”) to Big Bend.

3/5/15 – FCC deadline to submit appropriate documentation of ETC designation.

3/9/15 – *ETC/ETP Application* – Commission Staff seeks an extension of the deadline for its final recommendation (originally 3/9/15) to 3/13/15.

3/9/15 – *ETC/ETP Application* – Big Bend files its response to Staff’s First RFI before the deadline in order to avoid any additional delay in processing the Company’s designation.

3/9/15 – *Windstream ICA Application* – Order No. 2 is issued approving ICA.

3/10/15 – *ETC/ETP Application* – After Staff raises new concerns with the Company’s ETP designation within certain uncertificated areas, Big Bend and Staff file an agreed motion to sever portions of Big Bend’s request dealing with ETP designation in areas where no ILEC is certificated to offer telecommunications services.

3/13/15 – *ETC/ETP Application* – Commission Staff files its final recommendation to approve Big Bend’s ETC designation in all CBs and its ETP designation within CBs that are within non-rural ILEC territories.

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3/18/15 – *ETC/ETP Application* – Order No. 4 is issued granting request to sever and creating new Docket No. 44545 for ETP designation within certain uncertificated areas (“*Uncertificated Area ETP Application*”).

3/19/15 – *ETC/ETP Application* – Order No. 5 is issued approving Big Bend’s ETC designation and its ETP designation within certificated areas.

3/23/15 – Big Bend notifies the FCC that it has been designated as an ETC by the PUCT.

3/25/15 – *Uncertificated Area ETP Application* – Commission Staff issues final recommendation to approve Big Bend’s ETP designation within certain uncertificated areas.

3/30/15 – *Uncertificated Area ETP Application* – Order No. 2 is issued approving Big Bend’s designation as an ETP within certain uncertificated areas.