

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby responds to the Public Notice² released by the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau (“WCB”) seeking comment on a Petition for Waiver (“Petition”) filed by the Siskiyou Telephone Company (“Siskiyou”).³ Siskiyou seeks a two-year waiver of Section 54.302(a) of the Commission’s rules⁴ that established a \$200 per-line, per-month total limit on high-cost universal service support.⁵ The Commission should grant the relief requested, as Siskiyou has satisfied the “good cause” showing required per the waiver provisions applicable to Section 54.302(a)⁶ and as well as that set forth in Section 1.3 of the agency’s rules.⁷

¹ NTCA is an industry association composed of approximately 850 community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or themselves are engaged in the provision of such services.

² *Wireline Competition Bureau Seeks Comment on Siskiyou Telephone Company’s Petition Waiver of 47 CFR § 54.302(a) Monthly Per-line Support Cap*, WC Docket No. 10-90, Public Notice, DA 24-1224 (rel. Dec. 5, 2024).

³ *Siskiyou Telephone Company’s Petition for Waiver of the 47 CFR § 54.302(a) Monthly Support Cap*, WC Docket No. 10-90 (fil. Nov. 1, 2024).

⁴ *Id.*, p. 1. (“Siskiyou is specifically requesting two (2) years of relief from this rule effective upon approval.”).

⁵ 47 C.F.R § 54.302(a).

⁶ *Connect America Fund, et al., WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov. 18, 2011) (“USF/ICC Transformation Order”), ¶¶ 539-544.*

⁷ 47 C.F.R. § 1.3.

For context, Siskiyou operates in some of the most difficult-to-serve rural (indeed *frontier*)⁸ areas of the nation. Much of Siskiyou’s service area is in mountainous (elevations up to 8,200 feet) and granite-laden terrain, the latter requiring hard rock directional boring and rock saws to install network infrastructure.⁹ In addition to these factors that drive up the time and cost of network construction, and thus help drive up Siskiyou’s per-line costs, the company’s service area is vulnerable to the wildfires that have devastated California over the past several years.

As the Petition demonstrates, in 2020 and 2022 wildfires destroyed several homes and led to significant line loss for Siskiyou, and this in turn led to the company exceeding the \$200 per-line support cap for 2022 and 2023. This precipitated the Petition seeking a two-year waiver.¹⁰ Due to the 2020 and 2022 wildfires and the line loss caused by that event, Siskiyou’s total monthly support – High Cost Loop Support and Connect America Fund Broadband Loop Support – was by July 2024 reduced substantially.¹¹ Pursuant to the standard set forth in the *USF/ICC Transformation Order*, Siskiyou has included the financial and other information necessary to support its Petition and the assertions made therein.¹²

Good cause exists, as required by the standard set forth in the *USF/ICC Transformation Order*,¹³ to grant the waiver as requested. Siskiyou’s service area contains fewer than 6 persons

⁸ Petition, p. 1 (“Western Siskiyou County is considered a ‘frontier’ county, meaning there are less than 6 people per square mile.”).

⁹ *Id.*, p. 2.

¹⁰ *Id.*, pp. 2-3.

¹¹ *Id.*, p. 3.

¹² *Id.*, p. 4, citing *USF/ICC Transformation Order*, ¶ 542.

¹³ *USF/ICC Transformation Order*, ¶ 539 (stating that “we permit any carrier negatively affected by the universal service reforms we take today to file a petition for waiver that clearly demonstrates that good

per square mile in terrain difficult and expensive to serve,¹⁴ and thus any line loss can have a material impact on the company's bottom line. The unanticipated, significant, and beyond-its-control line loss caused by a series of wildfires drove Siskiyou's per-line costs above the \$200 cap. These extraordinary circumstances justify deviation from the strict application of Section 54.302(a) consistent with the standard set forth in the *USF/ICC Transformation Order*.¹⁵ The Commission therein stated that a waiver would be granted where a petitioner can demonstrate that such action "is necessary and in the public interest to ensure that consumers in the area continue to receive voice service."¹⁶ As Siskiyou states in the Petition, it is the sole terrestrial provider in the area, and cellular coverage is only available in approximately 10 percent of the company's study area and primarily around the small community centers.¹⁷ Grant of the relief would provide the company with the additional support needed to restore service to the areas damaged by the two wildfires.¹⁸

In addition, good cause as required by Section 1.3 of the Commission's rules supports grant of the requested relief.¹⁹ Special circumstances exist here, as the Petition was made

cause exists for exempting the carrier from some or all of those reforms, and that waiver is necessary and in the public interest to ensure that consumers in the area continue to receive voice service.").

¹⁴ Petition, p. 4.

¹⁵ *USF/ICC Transformation Order*, ¶¶ 539-544.

¹⁶ *Id.*, ¶ 539.

¹⁷ Petition, p. 4.

¹⁸ *Id.*, p. 5. See also Attachment 2, Affidavit of Russell Elliot, CEO of The Siskiyou Telephone Company ("Elliot Affidavit"), p. 2.

¹⁹ Section 1.3 of the Commission's rules states that the agency's "rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown." 47 C.F.R. § 1.3. The "good cause shown" standard has been interpreted to grant the Commission discretion to waive application of its rules in situations where strict compliance would not be in the public interest. *Cellular*

necessary only by a series of wildfires in an area frequently beset by such disasters, an area that is in any case quite challenging to serve even in the absence of such events. The public interest would be served as well, not only by the restoration of service but because the additional support provided to Siskiyou would enable it to bury fiber-optic cable as part of that restoration to help prevent future fire damage in an area that has experienced wildfires several times.²⁰

For the reasons as set forth herein, the Commission should grant the Petition giving Siskiyou two years of relief from Section 54.302(a) effective upon approval.



By: /s/ Michael R. Romano
Michael R. Romano
Executive Vice President
mromano@ntca.org

By: /s/ Brian Ford
Brian Ford
Vice President – Federal Regulatory
bford@ntca.org

4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203

January 6, 2025

Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). Generally, waiver of the Commission's rules is granted when both (i) special circumstances warrant a deviation from the general rule and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

²⁰ Elliot Affidavit, p. 2. (noting that the wildfires of 2020 and 2022 were the third time the area has experienced these in the previous two decades).