

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Petitions for Waiver of Universal Service High-Cost) WC Docket No. 08-71
Filing Deadlines)
)
Flat Rock Telephone Co-Op, Inc. (SAC #341012))
Petition for Waiver of Section 54.301(e)(1) Filing)
Deadline for Submission of True-Up Data for Local)
Switching Support for a Rural Incumbent Local)
Exchange Carrier)
)
Windstream Communications, Inc.)
Petition for Waiver of Section 54.301(e)(1) of the)
Commission's Rules)
)
Palmerton Telephone Company and)
Northeastern Pennsylvania Telephone Company)
Petition for Waiver of Section 54.301(e)(1) Submission)
Date for True-Up 2006 Local Switching Support Data)
)
Northwest Iowa Telephone Company)
Petition for Waiver of Section 54.301(e)(1) Submission)
Date for True-Up 2006 Local Switching Support Data)
)
West River Telecommunications Cooperative)
Petition of Waiver of the Section 54.301(e) Submission)
Date for 2007 Local Switching Support True-up Data)

ORDER

Adopted: April 29, 2010

Released: April 29, 2010

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this order, we grant five separate requests, filed by: (1) Flat Rock Telephone Co-Op, Inc. (Flat Rock); (2) Windstream Communications, Inc. on behalf of Windstream Communications Southwest (Windstream); (3) ICORE, Inc. (ICORE) on behalf of Palmerton Telephone Company and Northeastern Pennsylvania Telephone Company (Palmerton and Northeastern Pennsylvania); (4) Northwest Iowa Telephone Company (Northwest Iowa); and (5) West River Telecommunications Cooperative (West River) (collectively, the petitioners), for waiver of the historical-data filing deadline for universal service local switching support (LSS) set forth in section 54.301(e)(1) of the Commission's rules.1 We find that the petitioners have demonstrated that good cause warrants granting these waivers.

1 Flat Rock Telephone Co-Op, Inc. (SAC #341012) Petition for Waiver of Section 54.301(e)(1) Filing Deadline for Submission of True-Up Data for Local Switching Support for a Rural Incumbent Local Exchange Carrier, WC Docket No. 08-71 (filed July 17, 2008) (Flat Rock Petition); Windstream Communications, Inc. Petition for Waiver (continued. . .)

II. BACKGROUND

2. Section 254(e) of the Communications Act of 1934, as amended (the Act), provides that “only an eligible telecommunications carrier [(ETC)] designated under section 214(e) shall be eligible to receive specific Federal universal service support.”² Support shall be used “only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.”³ To implement this statutory requirement, the Commission has adopted various certification and data filing requirements.⁴

3. Pursuant to section 54.301 of the Commission’s rules, incumbent local exchange carriers (LECs) that have been designated as ETCs and serve 50,000 or fewer access lines within a study area must file certain data with the Universal Service Administrative Company (USAC) to be eligible to receive LSS.⁵ Annually, on or before October 1, incumbent LECs must submit to USAC projected data necessary to calculate the carrier’s projected LSS for the following calendar year.⁶ No later than twelve months after the end of that calendar year, incumbent LECs are required to submit historical (i.e., actual) data for that calendar year to USAC.⁷ USAC adjusts each carrier’s LSS to account for differences between (i) the LSS received by the carrier for a calendar year based on the carrier’s projected data for such calendar year, and (ii) the LSS the carrier should receive for such calendar year based on its historical data (true-up adjustments).⁸ True-up adjustments are made by USAC no later than fifteen months after the end of each calendar year.⁹

4. *Flat Rock’s Petition for Waiver.* On July 17, 2008, Flat Rock filed a request for waiver of the December 31, 2007 deadline set forth in section 54.301(e)(1) of the Commission’s rules for the submission of historical data used to adjust LSS for calendar year 2006.¹⁰ Flat Rock asserts that, on

(Continued from previous page)—————
of Section 54.301(e)(1) of the Commission’s Rules, WC Docket No. 08-71 (filed July 25, 2008) (Windstream Petition); Palmerton Telephone Company and Northeastern Pennsylvania Telephone Company Petition for Waiver of Section 54.301(e)(1) Submission Date for True-Up 2006 Local Switching Support Data, WC Docket No. 08-71 (filed May 22, 2008) (Palmerton/Northeastern Pennsylvania Petition); Northwest Iowa Telephone Company Petition for Waiver of Section 54.301(e)(1) Submission Date For True-Up 2006 Local Switching Support Data, WC Docket No. 08-71 (filed June 6, 2008) (Northwest Iowa Petition); West River Telecommunications Cooperative Petition for Waiver of Section 54.301(e) Submission Date for 2007 Local Switching Support Data, CC Docket No. 96-45 (filed June 4, 2009) (West River Petition); 47 C.F.R. § 54.301(e).

² 47 U.S.C. § 254(e).

³ *Id.*

⁴ *See, e.g.*, 47 C.F.R. §§ 54.301(b) and (e)(1) (data filings requirements for LSS), 54.307 (competitive ETC line count filing requirements for interstate common line support (ICLS) and other high-cost support), 54.313 (state certification requirements regarding the use of high-cost support by non-rural carriers), 54.314 (state certification requirements regarding the use of high-cost support by rural carriers), 54.802(a) (ETC line count filing requirements for interstate access support (IAS)), 54.809 (carrier certification requirements regarding the use of IAS), 54.903 (data filing requirements for ICLS), 54.904 (carrier certification requirements regarding the use of ICLS).

⁵ 47 C.F.R. § 54.301.

⁶ 47 C.F.R. § 54.301(b).

⁷ 47 C.F.R. § 54.301(e)(1).

⁸ 47 C.F.R. § 54.301(e)(2).

⁹ 47 C.F.R. § 54.301(e)(2)(iv).

¹⁰ Flat Rock Petition at 1; 47 C.F.R. § 54.301(e)(1).

December 19, 2007, it filed its historical data for calendar year 2006 by e-mail but, due to clerical error, it inadvertently attached the wrong document.¹¹ Flat Rock did not realize that it had attached the wrong document until it received an invoice from USAC dated June 20, 2008, seeking a true-up adjustment for LSS in calendar year 2006.¹² Flat Rock asserts that it immediately investigated the matter and submitted its corrected 2006 historical data to USAC on July 1, 2008, eleven days later.¹³ Flat Rock argues that granting its waiver request would not disrupt or delay USAC's administration of the LSS program because USAC received Flat Rock's projected LSS data for calendar year 2006 in a timely fashion and was able to incorporate Flat Rock's projected LSS needs into its contribution and disbursement plans and programs for 2006.¹⁴ Flat Rock indicates that it promptly sought to correct its inadvertent clerical error.¹⁵ Flat Rock also asserts that not receiving the \$87,000 in LSS that Flat Rock would be entitled to receive based on its corrected historical data would impair its ability to invest in infrastructure additions and upgrades.¹⁶ Flat Rock has implemented new procedures and safeguards to ensure it meets future filing deadlines.¹⁷

5. *Windstream's Petition for Waiver.* On July 28, 2008, Windstream filed a request for waiver of the December 31, 2007 deadline set forth in section 54.301(e)(1) of the Commission's rules for the submission of historical data used to adjust LSS for calendar year 2006.¹⁸ Windstream asserts that it filed its historical data for calendar year 2006 on December 27, 2007, but, due to an accounting error, it overstated the amount of LSS payments it received in calendar year 2006 above its projected revenue requirements for 2006.¹⁹ Windstream also asserts that, upon discovery of the error in March 2008, it promptly sought guidance from USAC on how to revise its 2006 historical data submission.²⁰ Windstream submitted its revised historical data to USAC by e-mail on March 18, 2008.²¹ Windstream states that, absent the relief requested, it would be required to forego approximately \$472,000 in LSS for 2006.²² Windstream argues that its request is consistent with the underlying purpose of LSS, and that it would be in the public interest to grant it.²³ Windstream indicates that, prior to this error, it had not

¹¹ Flat Rock Petition at 1-2.

¹² *Id.* at 2.

¹³ *Id.*

¹⁴ *Id.* at 8.

¹⁵ *Id.* at 2, 5-8.

¹⁶ *Id.* at 9.

¹⁷ Letter from Gerard Duffy, Counsel for Flat Rock, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 08-71 (filed Nov. 20, 2008) (Flat Rock November 20 *Ex Parte* Letter). Flat Rock now requires that all e-mail submissions for universal service support be copied to an appropriate Flat Rock employee to ensure accuracy of e-mail attachments. *Id.* In addition, Flat Rock now maintains a calendar of all quarterly and annual universal service support filing requirements. *Id.*

¹⁸ Windstream Petition at 1; 47 C.F.R. § 54.301(e)(1).

¹⁹ Windstream Petition at 2.

²⁰ *Id.*

²¹ Letter from Jennie B. Chandra, Counsel for Windstream, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 08-71 (filed May 12, 2009) (Windstream May 12, 2009 *Ex Parte* Letter).

²² Windstream Petition at 4.

²³ *Id.* at 2-7; Windstream May 12, 2009 *Ex Parte* Letter.

previously missed any high-cost universal service filing deadlines.²⁴ To ensure it meets future filing deadlines, Windstream has implemented new filing procedures and safeguards.²⁵

6. *Palmerton/Northeastern Pennsylvania's Petition for Waiver.* On May 22, 2008, ICORE, on behalf of Palmerton and Northeastern Pennsylvania, filed a request for waiver of the December 31, 2007 deadline set forth in section 54.301(e)(1) of the Commission's rules for the submission of historical data used to adjust LSS for calendar year 2006.²⁶ Palmerton and Northeastern Pennsylvania assert that the failure to file true-up adjustments for 2006 was due to miscommunications between their consultant, ICORE, and the National Exchange Carrier Association (NECA).²⁷ Palmerton and Northeastern Pennsylvania are both rural incumbent LECs.²⁸ They entered into the NECA traffic sensitive pool in June 2007 and thought that NECA would file the true-up data for 2006.²⁹ Palmerton and Northeastern Pennsylvania did not realize that neither NECA nor ICORE had filed true-up data for 2006 until May 5, 2008, when they each received an adjustment notification from USAC.³⁰ Palmerton and Northeastern Pennsylvania assert that they immediately investigated the matter and submitted their 2006 historical data to USAC on May 20, 2008.³¹ Palmerton and Northeastern Pennsylvania state that, absent the relief requested, they would each be required to forego in excess of \$300,000 in LSS for 2006 and to significantly increase rates or significantly decrease investment outlays.³² Palmerton and Northeastern Pennsylvania argue that there is no hardship to USAC or other fund recipients because they promptly corrected the error.³³ Palmerton and Northeastern Pennsylvania represent that they have never before missed a federal universal service filing requirement deadline, and indicate that they have taken measures to ensure they meet future filing deadlines.³⁴

7. *Northwest Iowa's Petition for Waiver.* On June 6, 2008, Northwest Iowa filed a request for waiver of the December 31, 2007 deadline set forth in section 54.301(e)(1) of the Commission's rules for the submission of historical data used to adjust LSS for calendar year 2006.³⁵ Northwest Iowa argues that the failure to file true-up adjustments for 2006 was due to non-receipt of a fax sent to USAC.³⁶ Northwest Iowa is a rural incumbent LEC.³⁷ It claims that, on December 31, 2007, it faxed the LSS true-up data to

²⁴ Windstream Petition at 5.

²⁵ *Id.* at 9. Windstream has assigned new employees to review and confirm accuracy of LSS submissions. *Id.* An analyst, a manager, and a director now review each USAC filing, and the filing team follows new procedures for producing LSS data. *Id.*

²⁶ Palmerton/Northeastern Pennsylvania Petition at 1; 47 C.F.R. § 54.301(e)(1).

²⁷ Palmerton/Northeastern Pennsylvania Petition at 1, 4.

²⁸ *Id.* at 2.

²⁹ *Id.* at 4.

³⁰ *Id.* at 2-3.

³¹ *Id.* at 3-4.

³² *Id.* at 7-8.

³³ *Id.* at 6.

³⁴ *Id.* at 5-6. ICORE has communicated with NECA on future 2007 LSS true-ups and NECA has informed ICORE that they will be submitting this filing for Palmerton and Northeastern Pennsylvania. *Id.* at 5.

³⁵ Northwest Iowa Petition at 1; 47 C.F.R. § 54.301(e)(1).

³⁶ Northwest Iowa Petition at 1.

³⁷ *Id.*

USAC.³⁸ Northwest Iowa did not realize that USAC had not received the information until May 2008, when it received an adjustment notification from NECA.³⁹ Northwest Iowa asserts that it immediately investigated the matter and submitted its 2006 historical data to USAC on June 4, 2008.⁴⁰ Northwest Iowa states that absent the relief requested, it would be required to forego more than \$500,000 in LSS for 2006 and to significantly increase rates or significantly decrease investment outlays.⁴¹ Northwest Iowa argues that, because it promptly rectified the error, there is no hardship to USAC or other fund recipients.⁴² Northwest Iowa represents that it has never before missed a federal universal service filing deadline, and indicates that it has taken measures to ensure it meets future deadlines.⁴³

8. West River's Petition for Waiver. On June 4, 2009, West River filed a request for waiver of the December 31, 2008 annual LSS filing deadline in section 54.301(e) of the Commission's rules for the submission of historical data used to adjust LSS for calendar year 2007.⁴⁴ West River asserts that the late filing occurred because it was transitioning to a new cost consultant.⁴⁵ While West River faxed the signed certification required to accompany the true-up data worksheet to USAC on December 17, 2008, the worksheet itself was not timely submitted.⁴⁶ West River indicates that it immediately e-mailed the information to USAC when it became aware of the error, and that this is the first filing deadline it has ever missed.⁴⁷ West River asserts that the loss of approximately \$469,212 in LSS for the 2007 calendar year would cause it substantial hardship and likely delay plans to upgrade its network.⁴⁸ To ensure it meets future deadlines, West River has installed both internal and external safeguards.⁴⁹

³⁸ *Id.* at 2.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 5-6.

⁴² *Id.* at 4.

⁴³ *Id.* at 2-3. Northwest Iowa will send all future filings by fax with a paper copy sent by overnight delivery. *Id.* at 3.

⁴⁴ West River Petition at 1, 3; 47 C.F.R. § 54.301(e)(1).

⁴⁵ West River Petition at 2.

⁴⁶ *Id.* at 1-2, Attach. 1.

⁴⁷ *Id.* at 1-2.

⁴⁸ *Id.*

⁴⁹ *Id.* at 2. West River states that additional staff members have been made aware of the filing deadlines, and that the company is now included in its new cost consultant's regulatory notifications and reminders. *Id.*

III. DISCUSSION

9. We find that, due to the calculation of LSS on an annual basis, the petitioners have demonstrated that there is good cause to waive section 54.301(e)(1) of the Commission's rules.⁵⁰ USAC processes a tremendous amount of data each year. It is, therefore, administratively necessary to require carriers to meet the filing deadlines absent special circumstances.⁵¹ Although our rules require that any required data must be received by the applicable deadline, we find that petitioners have demonstrated that, in these special circumstances, there is good cause to waive the applicable deadlines.⁵²

10. Specifically, we find that waivers are warranted because the late filings at issue affect an entire year's worth of LSS for these carriers and, in each case, the petitioner promptly took action after discovering that it had failed to file by the relevant deadline. Unlike other types of universal service support, carriers must file projected and historical data annually (rather than quarterly) in order to receive LSS.⁵³ Therefore, if a carrier misses an annual deadline, it will affect its LSS funding for an entire year. We conclude that it would be unduly harsh to deny an entire year's funding due to this short lapse in compliance with the Commission's rules. We have previously found in similar circumstances that waiver of section 54.301(b) of the Commission's rules for late filing of annual projected data for LSS would serve the public interest.⁵⁴

⁵⁰ Generally, the Commission's rules may be waived for good cause shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if 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.

⁵¹ *FiberNet, LLC Petition for Waiver of Section 54.307(c) of the Commission's Rules and Regulations*, CC Docket No. 96-45, Order, 19 FCC Rcd 8202, 8204, para. 5 (Wireline Comp. Bur. 2004). It is the responsibility of ETCs to familiarize themselves with any applicable regulations, and to ensure that filings are timely received. See 47 C.F.R. § 0.406. See also *Citizens Communications and Frontier Communications Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 20 FCC Rcd 16761, 16763, para. 7 (Wireline Comp. Bur. 2005) (*Citizens/Frontier Order*).

⁵² The Commission did not receive any comments opposing these petitions. See *Comment Sought on Petitions For Wavier of Universal Service High-Cost Filing Deadlines*, WC Docket No. 08-71, Public Notice, 23 FCC Rcd 12690 (Wireline Comp. Bur. 2008); *Comment Sought on a Petition Filed by Palmerton Telephone Company and Northeastern Pennsylvania Telephone Company for Waiver of Section 54.301(e)(1) of the Commission's Rules*, WC Docket No. 08-71, Public Notice, 23 FCC Rcd 8704 (Wireline Comp. Bur. 2008); *Comment Sought on a Petition Filed by Northwest Iowa Telephone Company for Wavier of Section 54.301(e)(1) of the Commission's Rules*, WC Docket No. 08-71, Public Notice, 23 FCC Rcd 9415 (Wireline Comp. Bur. 2008).

⁵³ See 47 C.F.R. § 54.301. In contrast, High-Cost Loop Support (HCLS), IAS, and ICLS are provided and adjusted on a quarterly basis. See 47 C.F.R. Part 36, Subpart F (Universal Service Fund), 47 C.F.R. Part 54, Subpart J (Interstate Access Universal Service Support Mechanism) and Subpart K (Interstate Common Line Support Mechanism for Rate-of-Return Carriers).

⁵⁴ *Northeast Iowa Telephone Company Petition for Waiver of the Section 54.301(b) Submission Date for Projected 2008 Local Switching Support Data*, WC Docket No. 08-71, Order, 24 FCC Rcd 4818 (Wireline Comp. Bur. 2009); *Dixon Telephone Company, Lexcom Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Petitions for Waiver of Section 54.301 Local Switching Support Data Submission Reporting Date*, CC Docket No. 96-45, Order, 21 FCC Rcd 1717 (Wireline Comp. Bur. 2006); *Alliance Communications Cooperative, Inc. and Hills Telephone Company, Inc., East Ascension Telephone Company, LLC, Columbus Telephone Company, Petitions for Waiver of Section 54.301 Local Switching Support Data Submission Reporting Date*, CC Docket No. 96-45, Order, 20 FCC Rcd 18250 (Wireline Comp. Bur. 2005); *Smithville Telephone Company, Inc., Petition for Waiver of* (continued. . .)

11. We note that each petitioner presented circumstances that weigh in favor of granting the requested waivers. These circumstances include: (i) timely filing projected data to enable USAC to calculate projected LSS for the applicable year pursuant to section 54.301(b) of the Commission's rules;⁵⁵ (ii) timely filing annual historical data to determine true-up adjustments to LSS, but the filing was not fully accurate (or was not received by USAC) due to an inadvertent error;⁵⁶ (iii) acting promptly to correct the filed historical data for the LSS true-up adjustment after becoming aware of the errors;⁵⁷ and (iv) not missing previous high-cost universal service filing deadline and implementing procedures to ensure that future submissions are timely and accurate.⁵⁸

12. We find that denying petitioners the amount of LSS to which they are entitled for an entire calendar year under these circumstances would not serve the public interest. Accordingly, we conclude that waiver of section 54.301(e)(1) of the Commission's rules is in the public interest in these cases.

13. To ensure that each petitioner's underlying true-up adjustments are resolved expeditiously, we direct USAC to adjust each petitioner's LSS payment, based on the historical data, no later than 120 days from the release date of this order. While we grant the petitioners' waiver requests to allow them to file their historical data, such data must be consistent with proper documentation, which must be maintained for at least five years and is subject to audit under the Commission's rules.⁵⁹

14. These petitioners have revised their filing procedures to ensure that they meet future deadlines.⁶⁰ We note that these steps are similar to those taken by other carriers who missed filing

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Section 54.301 Local Switching Support Data Submission Reporting Date for an Average Schedule Company, CC Docket No. 96-45, Order, 19 FCC Rcd 8891 (Telecom. Access. Pol. Div. 2004).

⁵⁵ Flat Rock Petition at 1, 8; Windstream Petition at 1; Palmerton/Northeastern Pennsylvania Petition at 2, 7-8; Northwest Iowa Petition at 2-3; West River Petition at 2.

⁵⁶ Flat Rock Petition at 1-2; Windstream Petition at 2; Northwest Iowa Petition at 2; West River Petition at 1-2, Attach 1.

⁵⁷ Flat Rock Petition at 2; Windstream May 12, 2009 *Ex Parte* Letter; Northwest Iowa Petition at 2; West River Petition at 2. Flat Rock, Windstream, Northwest Iowa, and West River each revised its historical data within less than twelve months of the date of the original filing. Such period of time is consistent with the period of time allowed for revisions to annual filings by carriers for contributions to support mechanism for universal service. For example, the period of time to revise annual reporting worksheets under FCC Form 499-A is 12 months. See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Changes to the Board of Directors of the National Exchange Carrier Associations, Inc.*, CC Docket Nos. 96-45, 98-171, 97-21, Order, 20 FCC Rcd 1012 (Wireline Comp. Bur. 2004); Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-A. Similarly, according to its processing guidelines, USAC will accept line count revisions by competitive ETCs up to 24 months after the initial line count filing. USAC, Change to Administrative Practices Regarding Line Count Revisions by Competitive Eligible Telecommunications Carriers (Dec. 1, 2006), <http://www.usac.org/hc/tools/latest-news>.

⁵⁸ Windstream Petition at 5, 9; Palmerton/Northeastern Pennsylvania Petition at 2, 5-6; Northwest Iowa Petition at 2-3; West River Petition at 2.

⁵⁹ See, e.g., 47 C.F.R. § 54.202(e).

⁶⁰ Flat Rock November 20 *Ex Parte* Letter; Windstream Petition at 9; Palmerton/Northeastern Pennsylvania Petition at 5; Northwest Iowa Petition at 3; West River Petition at 2.

deadlines but were granted waivers of the missed deadlines.⁶¹ In granting other waiver requests, we have found that carriers must comply with their commitments to revise their internal procedures to ensure that their filings will be accurately and timely submitted.⁶² Similarly, we rely on these petitioners to fulfill their commitments to adhere to their revised filing procedures.

15. We emphasize that, going forward, we expect the petitioners to file the required accurate information with USAC and the Commission by the applicable filing deadlines. We remind carriers that it is their responsibility to ensure that their filings are timely received in the appropriate places, regardless of the time and method of their filings. Carriers now have many options by which to file, including U.S. Mail, other sources of commercial delivery, facsimile, and e-mail. For instance, any carrier receiving funding from the high-cost universal service support mechanism may file timely via e-mail at hcfilings@HCLI.universalservice.org. Additional information regarding USAC's filing procedures and deadlines can be found at <http://www.usac.org/hc/tools/filing-tool/default.aspx>. We encourage carriers to use any and all methods they deem necessary to ensure their filings are timely received.

IV. ORDERING CLAUSES

16. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 214, and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.3, that the petition for waiver of section 54.301(e)(1) of the Commission's rules, 47 C.F.R. § 54.301(e)(1), filed by Flat Rock Telephone Co-Op, Inc., IS GRANTED.

17. IT IS FURTHER ORDERED that the petition for waiver of section 54.301(e)(1) of the Commission's rules, 47 C.F.R. § 54.301(e)(1), filed by Windstream Communications, Inc., IS GRANTED.

18. IT IS FURTHER ORDERED that the petition for waiver of section 54.301(e)(1) of the Commission's rules, 47 C.F.R. § 54.301(e)(1), filed by ICORE, Inc. on behalf of Palmerton Telephone Company and Northeastern Pennsylvania Telephone Company, IS GRANTED.

19. IT IS FURTHER ORDERED that the petition for waiver of section 54.301(e)(1) of the Commission's rules, 47 C.F.R. § 54.301(e)(1), filed by Northwest Iowa Telephone Company, IS GRANTED.

20. IT IS FURTHER ORDERED that the petition for waiver of section 54.301(e) of the Commission's rules, 47 C.F.R. § 54.301(e), filed by West River Telecommunications Cooperative IS GRANTED.

⁶¹ See, e.g., *AT&T Communications of NY & AT&T Communications of California Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 22 FCC Rcd 953, 954, para. 5 (Wireline Comp. Bur. 2007) (*AT&T Order*) (instituting e-mail reminders and quarterly reviews by management); *NPCR, Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 22 FCC Rcd 560, 563, para. 9 (Wireline Comp. Bur. 2007) (*NPCR Order*) (assigning filing responsibility to a manager).

⁶² See, e.g., *Citizens/Frontier Order*, 20 FCC Rcd at 16764, para. 10; *Verizon Communications Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, CC Docket No. 96-45, Order, 21 FCC Rcd 10155, 10158, para. 10 (Wireline Comp. Bur. 2006); *AT&T Order*, 22 FCC Rcd at 954, para. 5; *NPCR Order*, 22 FCC Rcd at 563, para. 9.

21. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. §§1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau