

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

In the Matters of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208
)	
Petitions for Waiver of Windy City Cellular, LLC and Adak Eagle Enterprises, LLC)	

ORDER

Adopted: February 28, 2014

Released: February 28, 2014

By the Chief, Wireline Competition Bureau, and the Acting Chief, Wireless Telecommunications Bureau:

1. By this Order, the Wireless Telecommunications Bureau and the Wireline Competition Bureau (collectively, Bureaus) approve limited, interim relief from certain Commission rules governing high-cost universal service support, to provide Adak Eagle Enterprises, LLC (AEE) and Windy City Cellular, LLC (WCC) with limited additional interim support.¹ Specifically, the Bureaus extend further limited, interim fixed support in the amount of \$33,276 for AEE and \$40,104 for WCC monthly, beginning February 2014, for, whichever comes first, a period of no longer than six months or until the Bureaus and/or the Commission complete review of the companies' Petition for Reconsideration and/or Application for Review, respectively, of the Bureaus' *AEE/WCC Denial Order*.²

2. In July 2013, the Bureaus denied the petition of WCC for a waiver of section 54.307(e) of the Commission's rules,³ which established a \$250 per line per month cap on high-cost universal service support for competitive eligible telecommunications carriers,⁴ and also denied the petition filed by AEE for a waiver of section 54.302 of the Commission's rules, which established a \$250 per line per month

¹ *Adak Eagle Enterprises, LLC and Windy City Cellular, LLC; Petitions for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90, WT Docket No. 10-208, Order, 28 FCC Rcd 10194, 10211-12, paras. 48-50 (Wireless Tel. Bur./Wireline Comp. Bur. 2013) (*AEE/WCC Denial Order*).

² *Id.* See Adak Eagle Enterprises, LLC & Windy City Cellular, LLC, Petition for Reconsideration, WC Docket No. 10-90, WT Docket No. 10-208 (filed Aug. 14, 2013) (Petition for Reconsideration); Adak Eagle Enterprises, LLC & Windy City Cellular, LLC, Application for Review, WC Docket No. 10-90, WT Docket No. 10-208 (filed Aug. 14, 2013) (Application for Review).

³ Windy City Cellular, LLC Petition for Waiver of Section 54.307(e) of the Commission's Rules, WC Docket No. 10-90, WT Docket No. 10-208 (filed Apr. 3, 2012). In a supplemental filing, WCC alternatively requested a full waiver of the \$250 cap for two years and, if feasible, application of the waiver retroactively to January 1, 2012, the date that the reduction in funding became effective. See Letter from Monica S. Desai, Counsel to WCC, to Marlene H. Dortch, Secretary, FCC, Ex Parte Notice and Supplement to Windy City Petition for Waiver, WC Docket No. 10-90, WT Docket No. 10-208 (filed May 4, 2012).

⁴ *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17765-66, paras. 274-79 (2011) (*USF/ICC Transformation Order*), *pets. for review pending, sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. argued Nov. 19, 2013); 47 C.F.R. § 54.307(e).

cap on high-cost universal service support for carriers generally.⁵ In the *AEE/WCC Denial Order*, the Bureaus found good cause existed to provide AEE and WCC an additional six months of support at the pre-existing interim support levels in the amounts of \$33,276 per month and \$40,104 per month, respectively, to ensure that providers on Adak Island would have time to adjust so that their consumers were not adversely affected.⁶

3. In August 2013, AEE and WCC jointly filed a Petition for Reconsideration and an Application for Review of the *AEE/WCC Denial Order*, together with new information about the companies' financial position.⁷ Substantial additional financial information was subsequently submitted in October 2013.⁸ Both the Petition for Reconsideration and Application for Review present several complex issues requiring in-depth, coordinated review and careful analysis of the new information submitted. In January 2014, we issued an order granting a further two-month extension of the interim relief to AEE and WCC out of an abundance of caution, to preserve the status quo while we completed this review and analysis.⁹ As our review of the companies' Petition for Reconsideration and Application is still ongoing, we authorize this continued interim support, beginning February 2014, for a period of no longer than six months or until review of the Petition for Reconsideration and/or Application for Review is complete, whichever comes first. The support will be provided pursuant to the same terms and conditions as were stipulated in the *AEE/WCC Denial Order*.¹⁰

4. IT IS ORDERED, pursuant to the authority contained in sections 4(i), 4(j) and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 254, sections 0.91, 0.131, 0.291, 0.331, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.131, 0.291, 0.331, and 1.3, and paragraph 544 of the *USF/ICC Transformation Order*,¹¹ FCC 11-161, that the Universal Service Administrative Company SHALL MAKE payment to Adak Eagle Enterprises, LLC and Windy City Cellular, LLC in accordance with the amount, terms, and conditions described herein.

⁵ Adak Eagle Enterprises, LLC Petition for Waiver of Section 54.302 of the Commission's Rules, WC Docket No. 10-90, WT Docket No. 10-208 (filed May 22, 2012). AEE initially filed its petition on May 9, 2012, but filed a revised version to modify language explaining how AEE will be affected by the \$250 cap and providing updated exhibits. See Letter from Jennifer L. Richter, Counsel to AEE, to Marlene H. Dortch, Secretary, FCC, Petition for Waiver, WC Docket No. 10-90, WT Docket No. 10-208 (filed May 22, 2012); 47 C.F.R. § 54.302.

⁶ *AEE/WCC Denial Order*, 28 FCC Rcd at 10211-12, paras. 48-50.

⁷ See Petition for Reconsideration; Application for Review.

⁸ Letter from Monica S. Desai, Counsel to AEE and WCC, to Marlene H. Dortch, Secretary, FCC, Ex Parte Notice, WC Docket No. 10-90, WT Docket No. 10-208 (filed Oct. 23, 2013).

⁹ *Connect America Fund; Universal Service Reform – Mobility Fund; Petitions for Waiver of Windy City Cellular, LLC and Adak Eagle Enterprises, LLC*, WC Docket No. 10-90, WT Docket No. 10-208, Order, 29 FCC Rcd 244 (Wireline Comp. Bur./Wireless Tel. Bur. 2014).

¹⁰ See *AEE/WCC Denial Order*, 28 FCC Rcd at 10211-12, paras. 48-50.

¹¹ *USF/ICC Transformation Order*, 26 FCC Rcd at 17842, para. 544.

5. 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

Julie A. Veach
Chief
Wireline Competition Bureau

Roger C. Sherman
Acting Chief
Wireless Telecommunications Bureau