



*Advocates for Rural Broadband*

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**Filed Via Email to INNOVATION@FCC.GOV**

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

**RE: FCC Process Reform**

Dear Ms Dortch:

On Wednesday, December 18, 2013, Mark Gailey of Totah Communications, Inc.; Bob DeBroux of TDS Telecommunications Corp.; Derrick Owens and Gerry Duffy representing WTA met with Diane Cornell, Special Counsel to Chairman Tom Wheeler to discuss FCC process reform.

WTA is a national trade association that represents more than 250 rural telephone and broadband service providers. The typical WTA member serves approximately 3,000 access lines, and has a staff of 7-to-15 full-time employees. Mr. Gailey is the current President of WTA and Mr. DeBroux is the Co-Chairperson of its Public Policy Committee.

WTA indicated that the Commission's waiver process, particularly requests for waivers of universal service support caps and benchmarks and of missed universal service reporting deadlines, is the source of frequent complaints from its members. The universal service support waiver requirements set forth in the Commission's November 2011 *USF/ICC Order* require very lengthy and expensive petitions that contain much information that does not appear to be necessary to the Commission's determination whether to grant or deny the waiver request. As also indicated below with respect to reporting requirements, the required information can and should be streamlined to focus upon the legal and economic considerations on which the Commission will base its decision. Second, these waiver petitions have tended to remain pending for unreasonably long periods, often 6 months to a year or so. While WTA believes that a "shot clock" mandating action upon a waiver petition within a specified period can have adverse consequences (such as, wholesale grant or denial of waivers without reasoned consideration on their merits), the Commission needs to adopt procedures and incentives to shorten the pendency periods of waivers. One possibility may be a monthly listing of all waiver petitions that have been pending for more than 90 or 120 days, together with the name, telephone number and email address of the FCC staff member who currently is responsible for reviewing the waiver request. Third, a number of universal service support waiver requests have been dismissed, and the petitioners told to seek support from their state commission or state universal service mechanisms, after the petitions had been pending before the Commission for 7-to-9 months or so. This approach was wholly unfair; if the Commission was going to require the affected small carriers to file lengthy and expensive waiver petitions and to hold them in limbo for approximately half a year while it was apparently considering the petitions, it should have initiated some sort of formal or informal consultation process with the state commission to ensure that the petitioner received an appropriate and comprehensive response from the Commission and/or the state commission within a reasonable time.

WTA also noted that requests for waivers for missing FCC or USAC universal service reporting deadlines (often by only a few days) tend to remain pending for 6 months to a year or more. Most of these waivers are routine, and lie well within the legal and factual parameters of prior decisions. They should be able to be processed and granted by delegated authority within 60-to-90 days.

WTA believes that many periodic compliance reports, such as the annual Section 54.313 reports for universal service support recipients, can be streamlined to reduce reporting burdens without impairing the Commission's oversight and enforcement efforts. A simple rule of thumb is: if the Commission does not use a piece of data, don't require it. That is, if the Commission does not actually utilize a particular piece of data to determine an entity's compliance with the applicable rule or to trigger a further investigation of such compliance, the item requesting the data should be eliminated from the report. If the Commission later finds it necessary to investigate a particular regulated entity, it can always request additional information from that particular entity at that time, and do so without burdening thousands of other entities with the requirement. An example of this is the five-year service quality improvement plan that may eventually be required by Section 54.313(a) of the Rules. Whereas the Commission has a clear interest in determining how universal service support was used last year, and perhaps how it is planned to be used in the immediately coming year, it makes no sense to require carriers to go to the time and expense of reporting their investment plans two-to-five years in the future when the telecommunications industry is changing rapidly and those plans are likely to change substantially during the intervening years. These possible future investment plans are of little or no use to the Commission, as it cannot accurately project future universal service funding requirements or enforce future investment projections, when it knows that the Year 2 to Year 5 estimates are increasingly inaccurate the further one goes into the future.

WTA applauds the Commission's efforts to find more effective and efficient ways to collect the information it needs to perform its regulatory mission, and to reduce unnecessary regulatory and reporting requirements that burden both its own staff and regulated entities. WTA looks forward to participating in future phases of Commission process reform.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceedings.

Respectfully submitted,

/s/ Gerard J. Duffy

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