

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
  )  
Connect America Fund )           10-90  
  )

COMMENTS  
OF  
WTA – ADVOCATES FOR RURAL BROADBAND

WTA – Advocates for Rural Broadband (“WTA”) is submitting comments in support of the Siskiyou Telephone Company’s Petition for Waiver of 47 C.F.R. §54.302(a) seeking a two-year waiver of the \$200 per line monthly support cap on high-cost universal service support.<sup>1</sup> WTA believes that a waiver is justified by the particular circumstances presented by Siskiyou – its service area was severely impacted by wildfires.

The Commission is authorized to grant a waiver under Section 1.3 of the Commission’s rules if the petitioner demonstrates good cause for such action.<sup>2</sup> Good cause, in turn, may be found and a waiver granted “where particular facts would make strict compliance inconsistent with the public interest.”<sup>3</sup> To satisfy this public interest requirement, the waiver cannot

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<sup>1</sup> *Public Notice*, DA 24-1224, released December 5, 2024.

<sup>2</sup> 47 CFR § 1.3; *see also* *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264 (D.C. Cir. 2005); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>3</sup> *Northeast Cellular*, 897 F.2d at 1166; *see also* *ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

undermine the purposes of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.<sup>4</sup>

In Siskiyou's case, the Slater/Happy Camp and McKinney wildfires destroyed a significant number of homes in its service territory, causing a relatively large number of subscriber disconnects. But given the relatively fixed nature of its costs, the loss in subscribers results in Siskiyou's per line costs exceeding the \$200 per line monthly support cap. The requested waiver will allow Siskiyou to continue to provide its valuable services to its remaining customers while the residents who lost their homes rebuild, thus well serving the public interest. Moreover, without such relief, Siskiyou may be unable to offer service to residents that lost their homes, thus compounding their suffering.

The Commission has elsewhere recognized that waivers of its rules are appropriate in the case of natural disasters, such as wildfires.<sup>5</sup> Such occurrences are beyond the control of the USF recipients, and present compelling circumstances. WTA thus agrees with Siskiyou that the public interest would be well served by grant of the requested relief, and that it should

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<sup>4</sup> See, e.g., *WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant's proposal does not undermine the public interest policy served by the rule); *Northeast Cellular*, 897 F.2d at 1166 (stating that in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than would strict adherence to the rule.).

<sup>5</sup> E.g., *Affordable Connectivity Program et al*, 38 FCC Rcd 7587 (WCB 2023)(Maui wildfires); *Schools and Libraries Universal Service Support Mechanism*, 34 FCC Rcd 56 (WCB 2019)(California wildfires).

thus be granted a waiver of the \$200 per line monthly support cap for the temporary two-year period as it requested.

Respectfully submitted,

**WTA – ADVOCATES FOR RURAL BROADBAND**

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