



PUBLIC NOTICE

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DA 16-937

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REVISED CONSTRUCTION DEADLINE APPROVED FOR RECIPIENTS OF MOBILITY FUND PHASE I SUPPORT

By this Public Notice, the Wireless Telecommunications Bureau and Wireline Competition Bureau (“Bureaus”) announce that they have approved the requests of the Mobility Fund Phase I support recipients identified in Attachment A of this Public Notice to revise the construction deadline for the Mobility Fund Phase I study areas provided herein in accordance with section 54.1006(b) of the Commission’s rules.¹

On October 3, 2012, the Federal Communications Commission (Commission) announced the 795 winning bids and associated winning bidders for Mobility Fund Phase I support in Auction 901 and established the deadline for winning bidders to submit their long-form applications.² In their long-form applications, the recipients identified in Attachment A sought Mobility Fund Phase I support to deploy 3G service in their supported areas.³ In accordance with Mobility Fund I rules, winning bidders were required to provide service to at least seventy-five percent (75%) or more of the designated eligible road miles within the relevant area. Winning bidders committing to provide service over a 3G network were required to do so within two (2) years of being authorized to receive support.⁴ Winning bidders committing to provide service over a 4G network were required to do so within three (3) years of being authorized to receive support.⁵

Commnet of Nevada, LLC,⁶ Standing Rock Telecommunications,⁷ and T-Mobile USA⁸ have

¹ See 47 CFR § 54.1006(b).

² *Mobility Fund Phase I Auction Closes; Winning Bidders Announced for Auction 901*, Public Notice, DA 12-1566, 27 FCC Rcd 12031 (2012).

³ See *Mobility Fund Phase I Support Authorized for 42 Winning Bids*, Public Notice, DA 13-1429, 28 FCC Rcd 9001 (WCB/WTB 2013); *Mobility Fund Phase I Support Authorized for 50 Winning Bids*, Public Notice, DA 13-1769, 28 FCC Rcd 12284 (WCB/WTB 2013); and *Mobility Fund Phase I Support Authorized for 222 Winning Bids*, Public Notice, DA 13-2464, 28 FCC Rcd 17062 (WCB/WTB 2013).

⁴ 47 C.F.R. § 54.1006(a).

⁵ 47 C.F.R. § 54.1006(b).

⁶ See Letter from David Kaufman, Counsel for Commnet of Nevada, LLC, Rini O’Neil, PC, to Marlene Dortch, Secretary, Federal Communications Commission (Aug. 14, 2015) (<https://www.fcc.gov/ecfs/filing/60001097627>). The Study Area Codes (SAC) for these study areas are 558003 and 558005. Commnet had previously, on June 30, 2015, submitted a request for an extension of time on to reach coverage requirements for the aforementioned study areas. See Request for Waiver and Extension of Time to Complete Construction and to Submit Drive-Test Results Respecting Two Census Tracts in Rural Nevada, WT Docket No. 10-208, at 1-2 (filed June 30, 2015), <https://www.fcc.gov/ecfs/filing/60001089106>. The August 14, 2015 request rendered the June 30, 2015 request moot. In the August 14, 2015 request, Commnet stated that it would likely not make the August 17, 2016 deadline for the 4G buildout, but Commnet has since affirmed that it expects to make the August 17, 2016 deadline. See

(continued....)

each submitted a request seeking to update and modify the project descriptions and timetable submitted with their long-form applications to deploy a 4G network instead of a 3G network in certain study areas, and, in the pertinent study areas, to be subject to the three-year construction deadline provided for buildout of 4G networks in Section 54.1006(b) of the Commission's rules. After reviewing the recipients' revised project descriptions and timetables, the Bureaus revised the deadlines for construction to three years for each area covered by the study areas listed in Attachment A in accordance with section 54.1006(b) of the Commission's rules.⁹

We remind recipients a winning bidder that has been authorized to receive Mobility Fund I support will be subject to a performance default payment if it fails or is unable to meet its minimum coverage requirement, other service requirements, or fails to fulfill any other term or condition of Mobility Fund Phase I support.¹⁰ For each performance default, a winning bidder must repay all disbursements received for the area covered by that winning bid together with an additional default payment of ten percent of the total amount of support for which it is eligible in the area covered by the defaulted winning bid.¹¹

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Letter from David Kaufman, Counsel for Commnet of Nevada, LLC, Rini O'Neil, PC, to Marlene Dortch, Secretary, Federal Communications Commission (June 29, 2016) (<https://www.fcc.gov/ecfs/filing/10629032004356>).

⁷ The SACs for these study areas are 388007, 388008, 398001, and 398002. See Letter from Fred McLaughlin, Telecommunications General Manager, Standing Rock Telecommunications Inc., to Marlene Dortch, Secretary, Federal Communications Commission (June 20, 2016) (<https://www.fcc.gov/ecfs/filing/10620242401163>).

⁸ The SAC for this study area is 178010. T-Mobile USA, Inc. had previously, on June 25, 2015, submitted a request on behalf of T-Mobile Northeast for an extension of time to reach coverage requirements for the aforementioned study areas. See T-Mobile USA, Inc. Request for Waiver and Extension of Time of Mobility Fund Phase I Construction Deadline for One Census Tract, WT Docket No. 10-208 (filed June 25, 2015), <https://www.fcc.gov/ecfs/filing/60001080253>. The December 9, 2015 request rendered the June 25, 2015 request moot. See Letter from Jennifer Kostyu, Counsel to T-Mobile USA, Inc., Wilkinson Barker Knauer LLP, to Marlene Dortch, Secretary, Federal Communications Commission (Dec. 9, 2015) (<https://www.fcc.gov/ecfs/filing/60001325819>).

⁹ At the time of release of this Public Notice, the June 25, 2016 deadline for T-Mobile Northeast to meet its 4G service and coverage requirements has passed. By the passing of the deadline, T-Mobile Northeast timely submitted testing data to show that it has met these service and coverage requirements. This data is currently under review by USAC.

¹⁰ *USF/ICC Transformation Order*, 26 FCC Rcd at 17814 ¶ 460.

¹¹ See 47 C.F.R. § 54.1006(f); *Mobility Fund Phase I Auction Scheduled for September 27, 2012; Notice and Filing Requirements and Other Procedures for Auction 901*, Public Notice, AU Docket No. 12-25, DA 12-641, 27 FCC Rcd at 4777 ¶ 189 (2012).

Further Information Contact:

Universal Service Administrative Company (USAC) - Disbursement Procedures

hcinfo@usac.org

News Media

Wireless Telecommunications Bureau
Cecilia Sulhoff at (202) 418-0587

General Universal Service Information

**Wireline Competition Bureau,
Telecommunications Access Policy Division**
Alexander Minard at (202) 418-7400

Auction 901 Information

General Auction Information, Process, and Procedures

Auctions and Spectrum Access Division
Debbie Smith at (717) 338-2868

Post-Auction Rules, Policies, and Regulations

Audra Hale-Maddox at (202) 418-0660

Tribal Issues

Additional information for entities seeking to provide service to Tribal lands and Tribal governments

Office of Native Affairs and Policy
(202) 418-2930
native@fcc.gov

Accessible Formats

Braille, large print, electronic files, or audio format for people with disabilities

Consumer and Governmental Affairs Bureau
(202) 418-0530 or (202) 418-0432 (TTY)
fcc504@fcc.gov

This public notice contains the following attachment:

ATTACHMENT A

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