

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**UNITED STATES CELLULAR CORPORATION
PETITION FOR LIMITED WAIVER AND
REQUEST FOR EXTENSION OF DATES FOR COMPLIANCE WITH
MOBILITY FUND PHASE I PUBLIC INTEREST OBLIGATIONS**

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SUMMARY

U.S. Cellular and its affiliates received Mobility Fund Phase I support for 4G LTE broadband in 26 Census Tracts in ten states, and, as a result of effective planning and aggressive deployment efforts, U.S. Cellular and its affiliates will meet the June 25, 2016, 75% coverage deadline in 23 of these Census Tracts.

U.S. Cellular, however, has encountered unexpected deployment delays at four sites in three Census Tracts, located in the State of Washington and containing approximately 11% of the unserved road miles for which U.S. Cellular and its affiliates received Phase I support. These delays will prevent U.S. Cellular from meeting the 75% coverage requirement by the June 25 deadline, and, therefore, this Petition asks for extensions of the coverage deadline to enable U.S. Cellular to complete construction and network deployment in each of the three Census Tracts. U.S. Cellular seeks a one-year extension for two of the Census Tracts, and a 180-day extension for the third Census Tract.

The Petition demonstrates that U.S. Cellular has taken reasonable steps to meet the build-out requirements in the three Census Tracts, including the construction of several new cell sites that are already providing service, but unforeseen circumstances have interrupted construction of other sites, and caused delays, preventing U.S. Cellular from meeting the build-out deadline. The Petition also provides documentation that U.S. Cellular has acted reasonably and promptly in taking steps to address the various circumstances that have caused deployment delays (including severe weather conditions, extreme mountainous terrain, and unforeseen delays in obtaining leasing agreements, permitting, and zoning approvals).

U.S. Cellular has shown good cause for a waiver of the Commission's rules, and the public interest will be served by an extension of the build-out deadline. If the Commission grants the Petition, U.S. Cellular is committed to using its own funds to construct additional cell sites to meet the coverage requirements.

U.S. Cellular demonstrates that a grant of its Petition is the best way to ensure that 4G LTE broadband will be made available expeditiously to residents and travelers in sparsely populated areas in the three Census Tracts. In the absence of the requested time extensions, broadband service may never be provided in these areas.

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United States Cellular Corporation (“U.S. Cellular”), by counsel and pursuant to Section 1.3 of the Commission’s Rules,¹ hereby submits this petition (hereinafter, the “Petition”) to seek a limited waiver of Mobility Fund Phase I (“Phase I”) public interest obligations, and to request an extension of the three-year deadline established in the Commission’s rules for construction of a network providing fourth generation LTE (“4G”) service,² and for the submission of drive test data,³ with respect to certain specified Census Tracts for which U.S. Cellular was a winning bidder in Auction No. 901 for Phase I support.⁴

¹ 47 C.F. R. § 1.3 (providing that “[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown”).

² 47 C.F.R. § 54.1006(b).

³ 47 C.F.R. § 54.1006(c).

⁴ *Mobility Fund Phase I Support Authorized for 42 Winning Bids*, Public Notice, 28 FCC Rcd 9001 (WTB, WCB 2013) (“*Authorization Public Notice*”) (authorizing support for U.S. Cellular in 22 Census Tracts,

Specifically, and for the reasons presented in the following sections of the Petition, U.S. Cellular petitions the Commission to waive the requirements of Sections 54.1006(b) and 54.1006(c) of its rules, and to extend the construction and applicable drive test reporting deadlines (1) for Census Tract T53041970100 to December 22, 2016, 180 days from the current June 25, 2016, construction and reporting deadline; (2) for Census Tract T53059950200 to June 25, 2017, one year from the current construction and reporting deadline; and (3) for Census Tract T53059950500 to June 25, 2017, one year from the current construction and reporting deadline. The Census Tracts, and the U.S. Cellular sites involved that are necessitating this request for the extension of construction and reporting deadlines, are detailed in the following Table:⁵

TABLE – CENSUS TRACTS FOR WHICH WAIVERS ARE SOUGHT					
CENSUS TRACT	WINNING BID DESCRIPTION	STUDY AREA CODE	U.S. CELLULAR SITE NAME	U.S. CELLULAR SITE NO.	EXTENSION REQUEST
T53041970100	WA-Lewis	528005	Lewis County	367363	180 days
T53059950200	WA-Skamania	528006	Dougan Falls North	385469	1 year
T53059950200	WA-Skamania	528006	Dougan Falls South	385470	1 year
T53059950500	WA-Skamania	528007	Cannavinna Road	385473	1 year

U.S. Cellular also seeks a waiver of Section 54.1006(f) of the Commission’s Rules⁶ so that U.S. Cellular will not be required to (1) repay to the Commission any Phase I support that the Commission has already disbursed in connection with the Census Tracts for which waiver is

and support for USCOC of Central Illinois, LLC, a U.S. Cellular affiliate, in four Census Tracts); *see Mobility Fund Phase I Auction Closes, Winning Bidders Announced for Auction 901*, FCC Public Notice, 27 FCC Rcd 12031, 12045-46 (Attach. A) (2012).

⁵ As shown in the Table, the sites are (1) Lewis County, Census Tract T53041970100, Study Area 528005 (“Lewis County”); (2) Dougan Falls North, Census Tract T53059950200, Study Area 528006 (“Dougan Falls North”); (3) Dougan Falls South, Census Tract T53059950200, Study Area 528006 (“Dougan Falls South”); and (4) Cannavinna Road, Census Tract T53059950500, Study Area 528007 (“Cannavinna Road”), collectively referred to as the “Waiver Sites”.

⁶ 47 C.F.R. § 54.1006(f).

sought in the Petition; or (2) make any performance default payments prior to the extended deadlines requested in the Petition.

While U.S. Cellular, in the overwhelming majority of cases, has been successful in working toward the deployment of 4G LTE service that will meet the Section 54.1006 requirements by the June 25, 2016, deadline,⁷ it has experienced, for various reasons beyond its control (and described in Section II, below), unexpected delays in its schedule for the completion of 4G network construction in three Census Tracts.

I. INTRODUCTION AND BACKGROUND.

U.S. Cellular and its affiliates were authorized to receive Phase I support for 2,168.42 unserved road miles in 26 Census Tracts, including 245.51 unserved road miles in the three Census Tracts for which waivers and time extensions are sought in the Petition. The 26 Census Tracts cover rural areas located in Illinois, Iowa, Maine, North Carolina, Oklahoma, Tennessee, Virginia, Washington, West Virginia, and Wisconsin. Pursuant to the Commission's rules, U.S. Cellular is obligated to deploy networks in these Census Tracts that deliver 4G LTE service not later than June 25, 2016 (three years after the authorization of Phase I support for U.S. Cellular).⁸

Before that deadline, U.S. Cellular must "submit data from drive tests covering the area for which support was received demonstrating mobile transmissions supporting voice and data to and from the network covering 75% of the designated coverage units in the area deemed uncovered

⁷ The Petition involves only approximately 11 percent of the unserved road miles in the Census Tracts for which U.S. Cellular and its affiliates received Phase I support.

⁸ See *Authorization Public Notice*, at Attach. A.

....”⁹ The mobile transmissions must meet or exceed outdoor minimum data transmission rates of 50 kbps uplink and 200 kbps downlink at vehicle speeds appropriate for the roads covered,¹⁰ and must have a “[t]ransmission latency low enough to enable the use of real time applications, such as VoIP [voice-over-Internet protocol].”¹¹

Utilizing its considerable experience in designing and deploying mobile wireless networks in 23 states across the Nation,¹² U.S. Cellular is successfully constructing facilities covering at least 75% of unserved road miles in 23 of the 26 Census Tracts for which it was the winning bidder in Auction 901. U.S. Cellular has already submitted drive test data demonstrating completion for 20 of the 26 Census Tracts and will submit the required drive test data for three more Census Tracts not later than the June 25, 2016, deadline.

These efforts to combine its own investment with Phase I support to deploy broadband networks in rural America reflect U.S. Cellular’s ongoing commitment to join with the Commission in achieving policy objectives for bringing mobile broadband to rural areas. Rather than scaling back its deployment plans and activities, U.S. Cellular has continued to seek access to additional Phase I support to supplement its ongoing investment in broadband network construction in rural communities.¹³

⁹ 47 C.F.R. § 54.1006(b).

¹⁰ 47 C.F.R. § 54.1006(b)(1).

¹¹ 47 C.F.R. § 54.1006(b)(2).

¹² U.S. Cellular is the fifth largest full service wireless carrier in the United States, serving over 4.8 million customers.

¹³ *See, e.g.*, U.S. Cellular, Petition for Declaratory Ruling, WC Docket No. 10-90, WT Docket No. 10-208, AU Docket No. 12-25 (filed Mar. 21, 2014).

II. CIRCUMSTANCES BEYOND THE CONTROL OF U.S. CELLULAR HAVE CAUSED UNFORESEEN CONSTRUCTION DELAYS AT SITES IN THREE CENSUS TRACTS.

In seeking a waiver and requesting an extension of the Section 54.1006(b) deadline for three Census Tracts, U.S. Cellular is cognizant of the fact that it must “articulate a specific pleading, and adduce concrete support, preferably documentary”¹⁴ and must “plead with particularity the facts and circumstances” which warrant the granting of the requested waiver and extension of time.¹⁵ U.S. Cellular makes the requisite showings for each of the Waiver Sites in the following sections. Attached as Exhibit A, U.S. Cellular provides a Declaration Under Penalty of Perjury of James Lawrence, U.S. Cellular’s Regional Director of Engineering, attesting to the facts stated in the Petition.

As an overview matter, U.S. Cellular has completed work at 65 of 69 (94%) of the cell sites scheduled to be constructed or upgraded with Auction 901 support. As with all projects, cell sites where work began first were completed first, and those following in the queue have been completed later. Work commenced at all of the planned sites in sufficient time for on-time completion, with a reasonable margin for delay. As shown below, there are four sites out of 69 constructed or upgraded with Auction 901 support that will not be completed by June 25, 2016, due to significant and unforeseen impediments.

For each of the four Waiver Sites, a specific description of the circumstances requiring additional time follows.

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, n.9 (D.C. Cir. 1969) (“*WAIT Radio*”), *cert. denied*, 409 U.S. 1027 (1972), *quoted in Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Order, DA 16-275 (WCB Mar. 14, 2016) (“*WCB March 2016 Order*”), at para. 8.

¹⁵ *Rio Grande Radio Family Fellowship, Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968), *quoted in WCB March 2016 Order* at para. 8.

**A. The Dougan Falls North and Dougan Falls South Sites
Census Tract T53059950200.**

Both the Dougan Falls North and Dougan Falls South sites were made necessary because U.S. Cellular, despite its best efforts, could not reach agreement with another carrier on a contour extension agreement. As originally designed, U.S. Cellular planned one cell site in the region to meet its 75% coverage requirement for Census Tract T53059950200. However, the original site location and power level of the site put it within range of the Columbia River gorge, and Interstate Highway 84, necessitating a contour extension agreement with neighboring carriers licensed to serve the highway corridor.

Following six months of unsuccessful negotiations on a contour extension agreement, U.S. Cellular was forced to abandon its original plans and sought an alternative. When U.S. Cellular was unable to locate an alternative site that would enable it to meet the 75% coverage requirement, it commenced a complete redesign of its sites in the region in November 2014, specifying three sites instead of one, at a cost of \$1.8 million more than originally budgeted for the project. In addition to one cell site, which has already been constructed and is today in service, incremental sites at Dougan Falls North and Dougan Falls South are now being constructed to meet the coverage requirement.

The site redesign required U.S. Cellular's regional engineering and managerial personnel to obtain approval within the company for the out-of-budget expenditures, a 90-day process that was completed on an expedited schedule in the spring of 2015. U.S. Cellular anticipated a 12-18 month construction schedule for both sites, a tight timeline to complete the project by June 25,

2016. Specific information for each incremental site follows.

Dougan Falls North

With respect to Dougan Falls North, once company approval to exceed the budget was obtained in the spring of 2015, U.S. Cellular moved quickly through the site acquisition, leasing, permitting, zoning, and related approval processes, and attempted to construct the cell site before the winter of 2015-16 set in. Terrain and weather issues, which could not have been anticipated by U.S. Cellular,¹⁶ have complicated these plans. To reach the site has required construction of 2,800 feet of road in very steep terrain. Heavy snows cut off access until spring and construction has been further delayed by melting snows which eroded the previously constructed road access, requiring reconstruction of approximately 800 feet of road. The site dried out sufficiently in March 2016, and road construction was completed in early April.

If no other impediments are encountered, U.S. Cellular expects to complete the Dougan Falls North cell site in early July 2016 and it will be put into service shortly thereafter.

Dougan Falls South

The Dougan Falls South site has encountered unexpected permitting delays that were not experienced at the Dougan Falls North site. Earlier this month, U.S. Cellular completed a new 1.5 mile road to reach the Dougan Falls South site, which is located in steep terrain. Cell site construction cannot commence until permitting delays, including those for a nesting bird survey and a revised National Environmental Policy Act statement, are resolved.

U.S. Cellular expects all permitting to be completed so that construction can commence by July 1, 2016, with completion expected in September 2016. From there, the site will be turned over

¹⁶ The terrain issues could not have been anticipated by U.S. Cellular because its original design plan did not call for construction of cell sites in either Dougan Falls North or Dougan Falls South.

to U.S. Cellular's RF engineers for testing. After this testing is completed, U.S. Cellular will conduct the required drive tests and submit the data to the Commission to certify completion, in November 2016.

Unlike the Dougan Falls North site, there remain obstacles that could further delay the schedule for Dougan Falls South, such as a vegetation preservation requirement. Additionally, U.S. Cellular is advised by the Heritage Resources Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area that there is the possibility of unearthing Tribal artifacts or remains at the site, which would require mitigation or remediation taking three to four months. There is a risk that U.S. Cellular will not complete its drive testing before the winter of 2016-17 begins, and the roads become inaccessible until the spring of 2017.

Accordingly, U.S. Cellular seeks a one-year extension of time, through June 24, 2017, to submit its certifications and drive testing data for Census Tract T53059950200, covering both the Dougan Falls North and the Dougan Falls South sites. This one-year extension for Census Tract T53059950200 applies to both sites, even though Dougan Falls North is expected to be completed this summer, because drive testing to demonstrate the 75% coverage requirement would be done at one time, throughout all of the Census Tract roads, and would include all of the cell sites constructed.

**B. The Cannavinna Road Site.
Census Tract T53059950500.**

The Cannavinna Road site has been made necessary due to the need for U.S. Cellular to move its Wind River cell site in Census Tract T53059950500. As originally designed, U.S. Cellular's engineers expected the Wind River site to meet the Commission's 75% road mile benchmark.

However, this location was later identified as U.S. Forest Service Land with both terrain and constructability challenges. As a result, U.S. Cellular was not able to locate its Wind River site in its originally targeted location. The subsequent cell site was at a lower elevation, in a location where U.S. Cellular still expected to achieve 75% road mile coverage.¹⁷ The Wind River construction, at the subsequent cell site, was completed in late 2015.

Upon testing the Wind River site, U.S. Cellular determined that, contrary to its expectations based on its propagation studies, the new site achieved only 69% road mile coverage, coming up just three road miles short of the required 75% coverage. U.S. Cellular notes that its drive testing revealed that the new cell site has achieved coverage of 80% of drivable roads in the Census Tract, but does not meet the FCC's 75% coverage requirement because there is not sufficient coverage in undrivable roads required to be served.

In late 2015 and early 2016, U.S. Cellular examined a number of possible options to cover the three additional road miles, including cell extenders, repeaters, and mini-cell sites. U.S. Cellular determined, however, that, because of the extreme mountainous terrain, there was no possible line-of-sight path for backhaul. The lack of a line-of-sight path forced U.S. Cellular to conclude that none of the options it explored was viable.

In early 2016, U.S. Cellular determined that it would need to build an additional cell site at Cannavinna Road, to cover the three additional road miles needed to achieve 75% coverage in the Census Tract. U.S. Cellular has completed preliminary site acquisition and is negotiating for a lease at this time. Backhaul and power will need to be extended to the site, and the usual permitting

¹⁷ This expectation was based on propagation studies conducted by U.S. Cellular, consistent with industry practices and standards, that showed that U.S. Cellular's network design for the new cell site would result in signal coverage of at least 75% of the unserved road miles in the site.

and zoning approvals will be required. U.S. Cellular expects to complete construction of this site in March 2017, with winter weather possibly delaying the schedule.

Accordingly, U.S. Cellular seeks a one-year extension of time, through June 24, 2017, to submit its certifications and drive testing data for Census Tract T53059950500, covering the Cannavinna Road site.

C. The Lewis County Site.
Census Tract T53041970100.

U.S. Cellular's Lewis County site has encountered unexpected problems that will delay the inauguration of service to approximately Labor Day, 2016. For the reasons set forth below, U.S. Cellular seeks a 180-day extension of time to complete construction.

Beginning in 2014, U.S. Cellular anticipated a 12-18 month project schedule for the Lewis County site, located in the remote mountains west of Centralia, Washington. U.S. Cellular's first setback was that its site acquisition vendor was not successful in securing a site lease in a timely fashion. Specifically, the vendor had difficulties working through issues with the Washington Department of Natural Resources ("DNR") and the Lewis County Community Development Planning Division ("Planning Division"). The issue was that the DNR would not execute a lease agreement with U.S. Cellular until the Planning Division granted zoning approval. The Planning Division would not begin the zoning approval process until the DNR executed a lease. Continuing difficulties in resolving the matter necessitated replacement of U.S. Cellular's site acquisition vendor and a fresh approach in dealing with the two government bodies.

It was not until April 15, 2015, that U.S. Cellular obtained authorization from the Planning Division to proceed with zoning approvals without having a signed lease. Over the next three months, U.S. Cellular proceeded to resolve issues with tree clearances, road layout, and utility

design, culminating in the filing of an application for zoning approval on July 31, 2015. Zoning approval was received December 1, 2015, and two weeks later U.S. Cellular applied for a building permit at the site.

Separately, U.S. Cellular presented a first draft of the lease to DNR in March of 2015. Normally, lease negotiations take 2-3 months, however, DNR's comments were received back in August of 2015, and included significant changes to lease language that had previously been acceptable, requiring additional analysis by U.S. Cellular and negotiation with DNR. U.S. Cellular made changes and promptly resubmitted the lease to DNR, and DNR returned a revised draft in March of 2016. U.S. Cellular executed the site lease in early April of 2016 and is currently expecting a countersignature from the DNR.

As of this date, all of the aforementioned hurdles have been surmounted and final preparations are now underway to complete road construction so that the site can be built. Once the road is completed, U.S. Cellular expects to complete the cell site in approximately two months, on or about August 1. From there, the site will be turned over to U.S. Cellular's RF engineers for testing. Upon completion of testing, U.S. Cellular will conduct the required drive tests and submit the data to the Commission to certify completion, on or about Labor Day, 2016. We note here that U.S. Cellular has completed construction at an Auction 901 cell site in Adna, Washington, and is currently providing service in this Census Tract.

If no other impediments arise, the Lewis County cell site is expected to be completed by Labor Day. Accordingly, U.S. Cellular seeks a 180-day extension of time, through December 22, 2016, to submit its certifications and drive testing data for Census Tract T53041970100, covering the Lewis County site.

III. GRANT OF THE PETITION AND REQUEST FOR AN EXTENSION OF THE PHASE I CONSTRUCTION DEADLINE IS SUPPORTED BY A SHOWING OF GOOD CAUSE AND WOULD SERVE THE PUBLIC INTEREST.

The Commission has the authority to waive its rules for good cause shown.¹⁸ The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance with the rule inconsistent with the public interest.¹⁹ The Commission may also take into account, on an individual basis, considerations involving equity, hardship, or more effective implementation of overall policy.²⁰ “Waiver of the Commission’s rules is therefore appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”²¹

The Commission may discharge its responsibilities by prescribing rules of general application that, in the overall perspective, establish the “public interest” for a broad range of cases. These general prescriptions, however, do not relieve the Commission of an obligation to seek out the “public interest” in particular, individualized cases. In fact, the Commission’s authority to waive its rules is not unlike an obligation, in that it is a *sine quo non* to its ability to promulgate otherwise inflexible rules. It is a necessary “safety valve” that makes the system work.²²

¹⁸ 47 C.F.R. § 1.3.

¹⁹ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”) (citing *WAIT Radio*, 418 F.2d at 1159).

²⁰ See, e.g., *BellSouth Telecommunications, Inc., Petition to Establish New Rate Elements for Direct Access Directory Assistance Service*, Memorandum Opinion and Order, DA 95-1676, 11 FCC Rcd 1229 (CCB 1995) (citing *WAIT Radio*, 418 F.2d at 1158).

²¹ *Temporary Waiver of Section 25.281(b) Transmitter Identification Requirements for Video Uplink Transmissions*, IB Docket No. 12-267, Order, DA 16-222 (IB, Mar. 4, 2016), at para. 6 (citing *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166).

²² See *WAIT Radio*, 418 F.2d at 1157, 1159 (noting that “[t]he limited safety valve [provided by the waiver process] permits a more rigorous adherence to an effective regulation”), cited in *Smith Bagley, Inc., Petition for Waiver, Expedited Action Requested*, AU Docket No. 14-78 (filed Aug. 8, 2014), at 4.

Granting U.S. Cellular’s Petition is consistent with the Commission’s universal service policies and will promote deployment of mobile broadband service in a highly rural area with difficult terrain, where no such coverage was previously provided. The Commission stated in the *CAF Order* that Phase I support is intended “to immediately accelerate deployment of networks for mobile voice and broadband services in unserved areas.”²³ The Commission explained that “[m]illions of Americans live in communities where current-generation mobile service is unavailable, and millions more work in or travel through such areas”²⁴ and that “significant mobility gaps remain a problem for residents, public safety first responders, businesses, public institutions, and travelers, particularly in rural areas. Such gaps impose significant disadvantages on those who live, work, and travel in these areas.”²⁵

The Commission underscored that the *CAF Order* “seeks to address these [mobility] gaps[,]”²⁶ stating that “[t]he goal of Mobility Fund Phase I is to extend the availability of mobile voice service on networks that provide 3G or better performance and to accelerate the deployment of 4G wireless networks in areas where it is cost effective to do so with one-time support.”²⁷ The Commission emphasized that the purpose of the Phase I reverse auction mechanism was “to identify those areas where additional investment can make as large a difference as possible in improving current-generation mobile wireless coverage.”²⁸

²³ *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17675 (para. 28) (2011) (“*CAF Order*”), *aff’d sub nom. In re FCC 11-161*, 703 F.3d 1015 (10th Cir. 2014).

²⁴ *Id.* at 17773 (para. 301).

²⁵ *Id.* at 17773-74 (para. 301).

²⁶ *Id.* at 17774 (para. 301).

²⁷ *Id.* at 17781 (para. 322).

²⁸ *Id.*

In each of the four circumstances discussed above, U.S. Cellular has encountered issues beyond its control and has diligently worked to complete construction in a timely fashion. In constructing 65 other sites pursuant to Auction 901 grants, U.S. Cellular has consistently demonstrated its ability to perform. A grant of the Petition would provide for a more effective implementation of the Commission's universal service policies than strict adherence to the Section 54.1006 construction requirements.

Citizens living in and traveling through areas that will be served by the Waiver Sites need the new construction that U.S. Cellular has undertaken and now requires additional time to complete. The Commission's policies recognize that there is no economic business case for private sector initiatives to deploy advanced broadband services in very remote areas such as those in which the Waiver Sites are located. The Commission's universal service mechanisms are intended to achieve the goal of "ensur[ing] that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation."²⁹ A grant of the Petition will mean that this goal will be advanced, and that service will be provided to these remote areas far more quickly than if the Petition were to be denied.

Good cause also exists because U.S. Cellular has demonstrated an extraordinary willingness to meet the 75% construction benchmark, by redesigning its network when needed and, in one case, constructing an additional cell site, not originally budgeted in its Auction 901 bid.³⁰ U.S. Cellular engineers believe that the Cannavinna Road cell site will be one of the lowest grossing revenue site in the entire company. Notwithstanding this business assessment, U.S. Cellular is

²⁹ *Id.* at 17667 (para. 1).

³⁰ As U.S. Cellular has explained, it has also committed to building additional cell sites in Dougan Falls North and Dougan Falls South, at an additional cost, in order to achieve 75% coverage in the region. See Sec. II.A., *supra*.

committed to meeting its Phase I obligations and bringing 4G broadband services to residents and travelers in these remote areas in the State of Washington.³¹

Denying this request would mean that work on the Waiver Sites may never be completed, and members of the public living and traveling in these areas would not receive advanced broadband service in the near term, and might never receive service. U.S. Cellular has already expended 100% or more of the Auction 901 proceeds provided to meet the construction requirements of these three Census Tracts, and, thus, a denial of its Petition at this stage would be unproductive and unnecessarily punitive.

³¹ Another reason to conclude that grant of the Petition, and extension of build-out deadlines to December 22, 2016, and June 24, 2017, will be consistent with the public interest, is that the Commission recently approved new Phase I construction deadlines expiring on March 12, 2019. *Mobility Fund Phase I Support Authorized for 11 Winning Bids, Default on 35 Winning Bids Determined*, Public Notice, DA 16-215 (WTB, WCB Mar. 11, 2016), Attach. A (establishing construction deadlines for VTel Wireless, Inc., in various Vermont study areas). With the use of Phase I support now having been authorized by the Commission into the first quarter of 2019, U.S. Cellular suggests that the public interest will also be served by granting its request for a modest construction extension, affecting only three of the 26 Census Tracts for which U.S. Cellular and its affiliates have received Phase I support, thus enabling U.S. Cellular to make substantial expenditures from its own funds to construct cell sites to meet the 75% coverage requirement.

IV. CONCLUSION.

U.S. Cellular submits that it has shown good cause for a waiver of the Commission's rules, as set forth above, and requests prompt action so that it may move forward with the construction projects described herein.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

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May 5, 2016

EXHIBIT A

DECLARATION UNDER PENALTY OF PERJURY

DECLARATION UNDER PENALTY OF PERJURY


I, James Lawrence, hereby declare under penalty of perjury as follows:

1. I am the Regional Director of Engineering for United States Cellular Corporation (“U.S. Cellular”).

2. This Declaration is submitted in support of the Petition for Limited Waiver and Request for Extension of Dates for Compliance with Mobility Fund Phase I Public Interest Obligations (“Petition”), to be filed with the Commission by U.S. Cellular on May 5, 2016.

3. I declare under penalty of perjury, pursuant to Sections 502 and 503(b) of the Communications Act of 1934 and Section 1001 of Title 18, United States Code, that I have reviewed the foregoing Petition, I am familiar with the facts and information contained therein, and that the facts and information stated therein are true and correct to the best of my knowledge.

Executed on May 5, 2016



James Lawrence
Regional Director of Engineering
United States Cellular Corporation