

Streamlined

ITC-STA-20171121-00210

IB2017003271

City of Burlington d/b/a Burlington Telecom

Re: ITC-214-20171121-00209

NOV 29 2017

International Bureau

INTERNATIONAL SECTION 214 SPECIAL TEMPORARY AUTHORITY APPLICATION ATTACHMENT 1

Granted

date: November 29, 2017

authorized by: Chief, Telecommunications and Analysis Division, International Bureau

signature: *Nleneuse Coca*

Expires: May 28, 2018

Question 10 – Justification of Need for Special Temporary Authority

The City of Burlington d/b/a Burlington Telecom (“Burlington”) has provided domestic and international telecommunications services since 2006. Burlington recently discovered it had never secured international Section 214 authorization to provide service, and is in the process of remedying this issue. As referenced in Question 11 of this application, Burlington has submitted an application for international Section 214 authorization, which remains pending. An examination of Commission precedent has indicated an expectation that providers who intend to continue operating while remedying the absence of an international Section 214 authorization are expected to apply for and secure Special Temporary Authority to cover the period during which their permanent application is pending. Burlington understands that the Commission does not routinely grant such authority; however, Burlington believes that under the circumstances, such an application is warranted both to serve the public interest, and as part of Burlington’s good faith efforts to take all possible steps to remedy its lack of authorization.

Burlington Telecom is immediately upon submission of this application providing a notice of non-compliance to the Commission’s Enforcement Bureau.

Specifically, grant of this application would serve the public interest by permitting Burlington Telecom to continue serving its approximately 7,000 customers in and around Burlington, Vermont. While the Commission’s rationale for requiring international authorization prior to the commencement of operations is well-founded and not in dispute here, the facts do not demonstrate any reason why Burlington’s application will not now, or would not in the past have been, timely granted. There is no international ownership or affiliation with any domestic or international carriers to raise concerns, Burlington operates no lines which terminate at any US border, and the overwhelming majority of its traffic is domestic in nature.

Furthermore, Burlington has undertaken good faith efforts to remedy this situation promptly upon discovery of a problem. In addition to preparing this application for an STA and the full international Section 214 application, Burlington has also conducted an internal review of its compliance obligations incurred subsequent to its provision of international service. While that review remains ongoing, thus far, no indication of a compliance issue has arisen from Burlington’s unauthorized operation. Burlington has been paying all revenue-based contributions as required, its accounts with USAC are all current, it has timely filed its required traffic and revenue reports, and has been registered with the Commission and reporting international revenues, as required, since its inception. While Burlington does not dispute that it has operated in violation of the Commission’s requirement to receive authorization before providing service, there has been no subsequent malfeasance or misfeasance.

Denial of an STA at this juncture would force Burlington to cease providing international service for a period of as little as a few weeks, until its international 214 authorization is granted (Burlington’s application is eligible for streamlined treatment) and such an action would cause

significant disruption to consumers throughout its service area, particularly as said service is likely to promptly resume provided full international Section 214 authorization is granted.

In sum, Burlington has promptly worked to remedy the issue upon discovery, has found no subsequent compliance issues, and submits this STA to ensure that its customers and the communities which rely upon its service are not adversely affected during the pendency of its full authorization application. The public interest is clearly best served by granting the requested STA under these circumstances.

Question 16 – Responses to Sections 63.18(d), (e)(3), and (g)

63.18(d) asks whether the applicant has previously received authority under Section 214 of the Act, and requests a general description of the categories of facilities and services authorized. Burlington is authorized by rule to provide domestic service under 47 CFR 63.01, and has done so since 2006 in and around the City of Burlington, Vermont, using fiber optic networks to provide both circuit and packet-switched voice services on a facilities and resold basis.

63.18(e)(3) asks whether the applicant seeks any additional authorizations. As indicated in Question 5, Burlington seeks only Global Resale Authority pursuant to Section 63.18(e)(2). Therefore, this section does not apply.

63.18(g) applies to applications under 63.18(e)(3). As discussed above, Burlington is not seeking authorization under that Section; therefore, this provision does not apply.

Certification of Compliance

Pursuant to Section 63.18(e)(2), Burlington Telecom certifies that it will comply with the terms and conditions contained in §§ 63.21 and 63.23 of the Commission's rules.

**INTERNATIONAL SECTION 214 SPECIAL TEMPORARY AUTHORITY
APPLICATION
ATTACHMENT 2**

Question 15 – Ownership Information

The City of Burlington is incorporated as a municipality under the laws of the State of Vermont; it is not a private corporation or other organization with shareholders, partners, or other owners.

Burlington Telecom is immediately upon submitting this application providing a notice of previous non-compliance and its analysis of control of BT to the Commission's Enforcement Bureau and Wireline Competition Bureau.

**CITY OF BURLINGTON D/B/A BURLINGTON TELECOM
STATEMENT OF FEE-EXEMPT STATUS**

The City of Burlington d/b/a Burlington Telecom (“Burlington Telecom”) is exempt from filing fee requirements pursuant to Section 1.1116(f) of the Commission’s rules, due to its status as a governmental entity. Specifically, Burlington Telecom is a department of the City of Burlington and is run by City employees, and the City retains full responsibility for operation and regulatory compliance. Accordingly, Burlington Telecom qualifies as a “city . . . or subpart thereof controlled by publicly elected or duly appointed public officials exercising sovereign direction and control over their respective communities or programs.”¹

¹ 47 C.F.R. § 1.1116(f).