



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2279

Released: November 6, 2006

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE
PETITION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, CLARIFICATION
FILED BY NATIONAL LAMBDA RAIL, INC.**

PLEADING CYCLE ESTABLISHED

WC DOCKET NO. 02-60

Comments Due: November 21, 2006

Reply Comments Due: November 28, 2006

On October 30, 2006, National LambdaRail, Inc. (NLR) filed a petition for reconsideration or, in the alternative, clarification¹ of the Commission's Order establishing a rural health care pilot program to encourage the provision of telehealth and telemedicine services throughout the nation.² Under the pilot program, selected applicants will receive up to 85 percent of the costs of building state and regional broadband networks and connecting those networks to Internet2, a dedicated nationwide backbone, as well as the costs of the advanced telecommunications and information services that will ride over those networks.³ In its Petition, NLR asks the Commission to reconsider or clarify its Order "by finding that ... the pilot program will also provide funding to support the cost of connecting state and regional networks to NLR."⁴ Through this Public Notice, the Wireline Competition Bureau invites interested parties to comment on the Petition.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ Petition for Reconsideration or, in the Alternative, Clarification by National LambdaRail, Inc., WC Docket No. 02-60 (filed Oct. 30, 2006) (Petition).

² *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, FCC 06-144 (rel. Sept. 29, 2006).

³ *Id.*, paras. 2-3. Connection to Internet2 is not required, but may be requested by the applicants.

⁴ Petition at 6. In its Petition, NLR states that it is a dedicated nationwide backbone like Internet2. *Id.* at 5. NLR further claims that NLR and Internet2 share the following additional characteristics: they are not-for-profit organizations; they represent and serve the research and education community; they provide access to advanced telecommunications and information services; they are more reliable and stable than the public Internet; and they link government research institutions, as well as academic, public, and private health care institutions that are repositories of medical expertise and information. *Id.*

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- In addition, one copy of each pleading must be sent to each of the following:
 - (1) The Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
 - (2) Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A423, Washington, D.C. 20554; e-mail: erika.olsen@fcc.gov; and
 - (3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail: fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁶ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁷

For further information regarding this proceeding, contact Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-2868, or via e-mail erika.olsen@fcc.gov.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*

⁶ *See* 47 C.F.R. § 1.1206(b)(2).

⁷ 47 C.F.R. § 1.1206(b).