

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

In the Matter of )
Federal-State Joint Board on Universal Service )
Telecommunications Regulatory Board of Puerto Rico )
Petition for Clarification, or in the Alternative, Waiver of Section 54.311(b) of the Commission's Rules )
CC Docket No. 96-45

ORDER

Adopted: March 12, 2007

Released: March 12, 2007

By the Acting Deputy Chief, Wireline Competition Bureau:

1. In this Order, we dismiss as moot the request of the Telecommunications Regulatory Board of Puerto Rico (Puerto Rico Board) for clarification or, in the alternative, waiver of section 54.311(b) of the Commission's rules.

2. On December 8, 2003, the Puerto Rico Board requested that the Commission clarify that section 54.311(b), the cascading or targeting rule, does not apply to the Long Term Support (LTS) portion of interim hold-harmless funds received by Puerto Rico Telephone Company, Inc. (PRTC). In the alternative, the Puerto Rico Board requests that the Commission waive the rule. Effective July 1, 2004, the Commission consolidated LTS into Interstate Common Line Support (ICLS) and eliminated LTS as a distinct mechanism. ICLS is not subject to the cascading or targeting provisions of section 54.311(b), but rather is subject to the disaggregation and targeting provisions of section 54.315. Although PRTC had the opportunity to disaggregate its ICLS in 2002, it chose not to do so. Accordingly, the Puerto Rico Board's request for clarification or, in the alternative, waiver is moot.

3. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 254, and pursuant to delegated authority under sections 0.91, 0.291, and 1.3 of the Commission's rules, 47

1 Telecommunications Regulatory Board of Puerto Rico, Petition for Clarification, or in the Alternative, Waiver of Section 54.311(b), CC Docket No. 96-45 (filed Dec. 8, 2003).

2 See Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 00-256, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order and Second Further Notice of Proposed Rulemaking, 19 FCC Rcd 4122, 4150-53 paras. 61-67 (2004).

3 See 47 C.F.R. §§ 54.311(b), 54.315(b).

4 See 47 C.F.R. § 54.315(a)-(b).

C.F.R. § 0.91, 0.291, and 1.3, that this ORDER IS ADOPTED.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1, 4(i), 4(j), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 254, and pursuant to delegated authority under sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 C.F.R. § 0.91, 0.291, and 1.3, that the Petition for Clarification, or in the Alternative, Waiver of Section 54.311(b), filed by of the Telecommunications Regulatory Board of Puerto Rico on December 8, 2003, IS DISMISSED.

5. IT IS FURTHER ORDERED that, pursuant to authority delegated under sections 0.91, 0.291 and 1.102 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Renee R. Crittenden  
Acting Deputy Chief  
Wireline Competition Bureau