



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON AMERICAN TELEMEDICINE ASSOCIATION'S PETITION FOR RECONSIDERATION OF THE RURAL HEALTH CARE SUPPORT MECHANISM SECOND REPORT AND ORDER

WC Docket No. 02-60

COMMENTS DUE: April, 12, 2007

REPLY COMMENTS DUE: May 14, 2007

In the *Second Report and Order*, the Commission changed its definition of "rural" for the purposes of the rural health care support mechanism.¹ In March 2005, the American Telemedicine Association (ATA) filed a Petition for Reconsideration of the Commission's *Second Report and Order*, in which it requested that the Commission grandfather, for an indefinite period of time, rural sites that were no longer eligible for rural health care support under the new definition of rural in the *Second Report and Order*, but which were eligible prior to the date of the *Second Report and Order*.² By this Public Notice, we seek comment on the ATA Petition for Reconsideration.

In order to ease the transition to the new definition, the Commission permitted all health care providers that had received a funding commitment from the Universal Service Administrative Company (USAC) since 1998 to continue to qualify for support under the rural health care support mechanism for the next three years under the old definition.³ Thereafter, health care providers would be required to qualify under the Commission's new definition to receive funding.⁴ The Commission found the transition period was necessary to allow rural health care providers to plan for the elimination of support if they would no longer be eligible under the new definition, and also would allow the Commission time to review the effect of the new definition.⁵

Now that the definition of rural adopted in the *Second Report and Order* has been in place for two

¹ *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Second Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 24613, 24619-20, at paras. 11-13 (2004) (*Second Report and Order*).

² American Telemedicine Association Petition for Reconsideration of the Second Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, WC Docket No. 02-60 (filed March 7, 2005) (ATA Petition).

³ *Second Report and Order*, 19 FCC Rcd at 24623-24, para. 23; 47 C.F.R. § 54.501(a)(3)(i).

⁴ *Second Report and Order*, 19 FCC Rcd at 24623-24, para. 23.

⁵ *Id.* at 24623-24, para. 23.

funding years, we seek comment on ATA's request that the Commission grandfather, for an indefinite period of time, rural sites eligible for rural health care support under the prior definition and its request that the Commission provide other options for retaining previously eligible rural communities.⁶ We also seek comment on ATA's concerns regarding the effect of the new definition of rural established in the *Second Report and Order* on specific communities.⁷ Interested parties may file comments on or before **April 12, 2007**, and reply comments on or before **May 14, 2007**. 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.⁸

- **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, D.C. 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 should be addressed to 445 12th Street, SW, Washington DC 20554.

⁶ ATA Petition at 1-2.

⁷ ATA Petition at 6-11.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Gina Spade, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, or by e-mail to gina.spade@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 02-60 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

For further information, contact Gina Spade of the Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400.

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