



PUBLIC NOTICE

Federal Communications Commission
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DA 07-1327

Released: March 16, 2007

ADDITIONAL COMMENT SOUGHT ON PETITION OF GENESIS COMMUNICATIONS INTERNATIONAL, INC. FOR DECLARATORY RULINGS REGARDING LIFELINE ASSISTANCE REVENUES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comment Date: [30 days after date of publication in the Federal Register]

Reply Comment Date: [45 days after date of publication in the Federal Register]

1. By this Public Notice, the Wireline Competition Bureau (Bureau) seeks to refresh the record on issues raised in the Petition of Genesis Communications International, Inc. (Genesis) for Declaratory Rulings Regarding Lifeline Assistance Revenues (Petition).¹ Because comments and reply comments on the issue were filed several years ago, the passage of time and intervening developments have rendered the records developed by those commenters stale. Moreover, some issues raised by commenters may have become moot or irrelevant in light of intervening events. For these reasons, the Bureau requests that parties refresh the record with any new information or arguments they believe to be relevant to deciding the issues still pending.

2. In 2000, the Commission denied a complaint filed by Genesis against Pacific Bell (Pacific) seeking reimbursement of certain End User Common Line (EUCL) charges.² Genesis then sought to recover the funds in a suit against the National Exchange Carrier Association, Inc. (NECA).³ Genesis and NECA subsequently agreed to stay the action pending referral to the Commission of Genesis' claim for retroactive reimbursement via its petition in the above captioned docket.⁴

3. On November 16, 2000, Genesis filed the current Petition seeking a declaratory ruling from the Commission regarding: (1) whether Commission certification of Genesis' eligibility was a prerequisite to obtaining reimbursement from NECA for Lifeline discounts given to eligible end users

¹ Genesis Petition for Declaratory Rulings, CC Docket No. 96-45 (filed Nov. 16, 2000) (*Petition*).

² *Genesis Communications International, Inc. v. Pacific Bell*, E-98-20, Memorandum Opinion and Order, 15 FCC Rcd 12697 (2000).

³ See NECA Comments, CC Docket No. 96-45, at 3 (noting that the case was removed to the United States District Court, Central District of California). See *Genesis Communications International, Inc. v. National Exchange Carrier Association, Inc.*, Case No. CV-OO-10362 MMM (SHx) (C.D. Cal. 2000).

⁴ Petition at 1 (*citing* Stipulation and Order Staying Action (Oct. 26, 2000), *Genesis Communications International, Inc. v. National Exchange Carrier Association, Inc.*, Case No. CV-OO-10362 MMM (SHx) (C.D. Cal. 2000)).

under California's Universal Lifeline Telephone Service program; and (2) whether Genesis was entitled to submit claims and receive reimbursement from NECA on a retroactive basis.⁵ The Petition was put on Public Notice for comment on March 27, 2001.⁶ In response, NECA and Genesis both asserted that, should reimbursement be warranted, the Universal Service Administrative Company (USAC) should disburse the funds.⁷

4. Since the dispute arose, the Commission has amended the Lifeline rules, and transferred responsibility for the program's administration from NECA to USAC.⁸ The Bureau issues this Public Notice to update several issues contained in the current record, as well as any additional information that may have become relevant to the proceeding.

Interested parties may file comments and reply comments on or before the date 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).

- 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.

⁵ See Genesis Petition. See also Petition of Genesis Communications International, Inc. for Declaratory Rulings Regarding Lifeline Assistance Revenues, Public Notice, 16 FCC Rcd 7074 (2001) (*Public Notice*).

⁶ See *Public Notice*, 16 FCC Rcd 7074 (establishing a pleading cycle with Comments due April 26, 2001 and Reply Comments due May 11, 2001).

⁷ See Genesis Comments at 1; NECA Comments at 5-6.

⁸ See, e.g., *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302 (2004) (*Lifeline/Link-Up Report and Order*). See also *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8952-52, para. 329 (1997) (*1997 Universal Service Order*); 47 U.S.C. §§ 151, 154(i), 201, 205; 47 C.F.R. §§ 54.701 and 54.702.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., 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, S.W., Washington D.C. 20554.

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).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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; and
- (2) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (3) Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5A-423, Washington, D.C. 20554; e-mail: erika.olsen@fcc.gov.

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 www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ 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.¹⁰ Other rules pertaining to oral and written *ex parte*

⁹47 C.F.R. §§ 1.1200 *et seq.*

¹⁰See 47 C.F.R. § 1.1206(b)(2).

presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.¹¹

For further information, please contact Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-7400 or TTY (202) 418-0484.

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¹¹47 C.F.R. § 1.1206(b).