



PUBLIC NOTICE

Federal Communications Commission
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DA 07-2978
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SPRINT PETITION FOR DECLARATORY RULING CONCERNING A KANSAS CORPORATION COMMISSION LIFELINE RULE ADOPTED OCTOBER 2, 2006

PLEADING CYCLE ESTABLISHED

WC Docket Nos. 03-109, 07-138

Comment Date: August 9, 2007

Reply Comment Date: August 24, 2007

On June 8, 2007, Sprint Spectrum, L.P. (Sprint) filed a petition requesting a declaratory ruling concerning the Kansas Corporation Commission's (Kansas Commission) October 2, 2006 ruling relating to Lifeline support (Kansas Lifeline Rule).¹ According to the Sprint Petition, the Kansas Lifeline Rule requires an eligible telecommunications carrier (ETC) to apply federal Lifeline support to reduce the cost of any rate plan offered by an ETC and selected by a consumer, as opposed only to the carrier's lowest-cost generally available rate plan.²

Specifically, Sprint requests that the Commission find that the Kansas Lifeline Rule violates section 47 U.S.C. § 254(f) of the Act, as amended, and 47 C.F.R. § 54.403(b) of the Commission rules, arguing that it is inconsistent with the Commission's determination that federal Lifeline support "shall" be applied to reduce the cost of an ETC's lowest-cost generally available rate plan. In addition, Sprint argues that, as applied to a Commercial Mobile Radio Service (CMRS) provider, the Commission should further declare that the Kansas Lifeline Rule violates 47 U.S.C. § 332(c)(3)(A) because it requires a wireless competitive ETC to offer a reduced rate service without the ability to recover lawfully the subsidy from the federal universal service fund.³

The Wireline Competition Bureau seeks comment on the Sprint Petition. Interested parties may file **comments on or before August 9, 2007** and **reply comments on or before August 24, 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. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ Petition of Sprint Spectrum L.P. for a Declaratory Ruling that the Kansas Corporation Commission's October 2, 2006 Order in Docket 06-GIMT-446-GIT, violates federal law, WC Docket Nos. 03-109 and 07-138, filed June 8, 2007 (Sprint Petition).

² Sprint Petition at 1-2.

³ Sprint Petition at 2.

- 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, 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.bcpiweb.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

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.⁴ 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.⁵ 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.⁶

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

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⁴ 47 C.F.R. §§ 1.1200 *et seq.*

⁵ *See* 47 C.F.R. § 1.1206(b)(2).

⁶ 47 C.F.R. § 1.1206(b).