



# PUBLIC NOTICE

Federal Communications Commission  
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DA 08-1885

## COMMENT SOUGHT ON AIRBAND COMMUNICATIONS, INC.'S REQUEST FOR REVIEW OF A DECISION BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

WC Docket No. 06-122

Release Date: August 8, 2008

Comment Date: September 8, 2008

Reply Comment Date: September 23, 2008

On July 23, 2008, Airband Communications, Inc. (Airband) filed a request seeking review of a decision of the Universal Service Administrative Company (USAC), in which USAC denied Airband's request to accept its amended 2007 FCC Form 499-A.<sup>1</sup> In its request, Airband asserts that USAC improperly rejected its revised filing because, among other things, USAC incorrectly determined that the filing deadline for correcting an FCC Form 499-A had passed.<sup>2</sup> Airband requests that the Commission reverse USAC's decision, or waive the FCC Form 499-A revision filing deadline, and instruct USAC to accept Airband's corrected 2007 Form 499-A as timely filed.<sup>3</sup>

Interested parties may file comments on or before **September 8, 2008**, and reply comments on or before **September 23, 2008**. All pleadings are to reference **WC Docket No. 06-122**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>4</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. 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

<sup>1</sup> Request for Emergency Review and Waiver of Airband Communications, Inc. of Decision of Universal Service Administrator, CC Docket No. 96-45, WC Docket No. 06-122 (filed July 23, 2008) (Request for Review and Waiver). Airband also filed a petition for waiver of public notice. Petition for Waiver of Public Notice by Airband Communications, Inc., CC Docket No. 96-45, WC Docket No. 06-122 (filed July 23, 2008) (Petition for Waiver of Public Notice). The issuance of the instant public notice constitutes a denial of that petition.

<sup>2</sup> See Request for Review and Waiver at 1-2, 9-11.

<sup>3</sup> See *id.* at 1-2, 5-12.

<sup>4</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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](mailto: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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**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](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B432, Washington, D.C. 20554; e-mail: [Erica.Myers@fcc.gov](mailto:Erica.Myers@fcc.gov), and
- (3) David Duarte, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-441, Washington, D.C. 20554; e-mail: [David.Duarte@fcc.gov](mailto:David.Duarte@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](http://www.bcpweb.com).

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> Persons making oral *ex parte* presentations are reminded that memoranda

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<sup>5</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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.<sup>6</sup> 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.<sup>7</sup>

For further information, please contact Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-2429 or TTY (202) 418-0484.

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<sup>6</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>7</sup> 47 C.F.R. § 1.1206(b).