



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON PETITION OF DTS OF CA, INC. FOR WAIVER OF COMMISSION'S RULES TO PARTICIPATE IN NECA POOLS AND TARIFFS AND TO OBTAIN ACCELERATED UNIVERSAL SERVICE SUPPORT

WC Docket No. 05-337

Comment Date: June 5, 2009

Reply Comment Date: June 22, 2009

On April 1, 2009, DTS of CA, Inc. (DTS) filed a petition for waiver of the Commission's rules to allow it to participate in the National Exchange Carrier Association (NECA) pools and tariffs and to obtain accelerated universal service support.¹ First, DTS seeks a waiver of the definition of "incumbent local exchange carrier" in sections 54.5, 69.2(hh), and 69.601 of the Commission's rules, and of the annual election filing deadline in section 69.3(e)(6) of the Commission's rules, to allow DTS to become a member of NECA and to immediately participate in NECA pools and tariffs.² Second, DTS seeks a waiver of sections 36.611 and 36.612 of the Commission's rules to allow DTS to receive universal service high-cost loop support initially based on its forecasted costs rather than its historical costs.³ Finally, DTS seeks a waiver of the state certification deadlines in section 54.314(d) and the data filing deadlines in sections 54.301(b) and 54.903(a) to enable DTS to receive universal service support immediately upon commencing service.⁴

Interested parties may file **comments on or before June 5, 2009**, and **reply comments on or before June 22, 2009**. All pleadings are to reference **WC Docket No. 05-337**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁵

¹ DTS of CA, Inc., Petition for Waivers of the Commission's Rules to Participate in NECA Pools and Tariffs and to Obtain Accelerated USF Support, WC Docket No. 05-337 (filed Apr. 1, 2009) (Petition).

² See *id.* at 2; 47 C.F.R. §§ 54.5, 69.2(hh), 69.601, and 69.3(e)(6).

³ See Petition at 2; 47 C.F.R. §§ 36.611 and 36.612.

⁴ See Petition at 2; 47 C.F.R. §§ 54.301(b), 54.314(d), and 54.903(a).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- 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 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).

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;
- (2) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C408, Washington, D.C. 20554; e-mail: Gary.Seigel@fcc.gov; and
- (3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: Antoinette.Stevens@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 CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ 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.⁷ 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.⁸

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

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⁶ 47 C.F.R. §§ 1.1200 *et seq.*

⁷ *See* 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).