



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 09-1774

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**COMMENT SOUGHT ON PETITION OF NEBRASKA PUBLIC SERVICE COMMISSION AND KANSAS CORPORATION COMMISSION FOR DECLARATORY RULING OR, IN THE ALTERNATIVE, ADOPTION OF RULES ALLOWING STATE UNIVERSAL SERVICE FUNDS TO ASSESS CHARGES ON NOMADIC VOICE OVER INTERNET PROTOCOL INTRASTATE REVENUES**

**WC Docket No. 06-122**

**Comment Date: September 9, 2009**

**Reply Comment Date: September 24, 2009**

The Nebraska Public Service Commission (NPSC) and the Kansas Corporation Commission (KCC) (Petitioners) filed a petition on July 16, 2009, requesting a declaratory ruling that the Federal Communications Commission (Commission) has not preempted states from assessing universal service charges on the intrastate revenues of providers of “nomadic” interconnected voice over Internet protocol (VoIP) services.<sup>1</sup> In addition, the Petitioners request that the Commission declare that individual states have discretion to adopt any mechanisms that do not assess interstate revenues and that contain procedures designed to ensure that no provider pays assessments to more than one state on the same intrastate revenues.<sup>2</sup> In the alternative, if the Commission does not issue a declaratory ruling, the Petitioners ask that the Commission propose and adopt rules to allow states to assess universal service charges on the intrastate revenues of nomadic interconnected VoIP providers.<sup>3</sup>

Interested parties may file **comments on or before September 9, 2009**, and **reply comments on or before September 24, 2009**. All pleadings are to reference **WC Docket No. 06-122**. Comments

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<sup>1</sup> Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues, WC Docket No. 06-122 (filed July 16, 2009). The Petitioners define nomadic interconnected VoIP service as service that “allows customers to travel and place calls to persons on the [public switched telephone network (PSTN)] and receive calls from persons on the PSTN anywhere where the customers can find a broadband Internet connection.” *Id.* at 8.

<sup>2</sup> *See id.* at 3. The Petitioners request that the Commission also designate a safe harbor mechanism to calculate assessable revenues. *Id.*

<sup>3</sup> *Id.* at 3-4.

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 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) Cindy Spiers, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B432, Washington, D.C. 20554; e-mail: [Cindy.Spiers@fcc.gov](mailto:Cindy.Spiers@fcc.gov); and

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

(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](mailto: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.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 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 Cindy Spiers, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-1593 or TTY (202) 418-0484.

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

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

<sup>7</sup> 47 C.F.R. § 1.1206(b).