



PUBLIC NOTICE

Federal Communications Commission
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Release Date: December 30, 2009

**COMMENT SOUGHT ON VERIZON/ALLTEL MANAGEMENT TRUST REQUEST FOR
REVIEW OF A DECISION OF THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY
AGAINST ALLTEL CORPORATION CONCERNING AUDIT FINDINGS RELATING TO THE
LOW-INCOME PROGRAM**

WC Docket No. 03-109

Comment Date: January 29, 2010

Reply Comment Date: February 16, 2010

On October 5, 2009, the Verizon/Alltel Management Trust filed a request for review of certain Universal Service Administrative Company (USAC) low-income support audit findings against Alltel Corporation (Alltel) in 2007.¹ The Verizon/Alltel Management Trust seeks review of USAC's findings that Alltel: (1) lacked effective procedures for excluding duplicate claims for universal service low-income support under the Lifeline program from a single address;² (2) claimed Tier 4 Lifeline support for subscribers not residing on tribal lands and failed to provide Tier 4 Lifeline support to eligible households on tribal lands;³ (3) sought Lifeline reimbursement for subscribers claimed on other carriers' FCC Forms

¹ Request for Review by Verizon/Alltel Management Trust of Decision of the Universal Service Administrator, WC Docket No. 03-109 (filed Oct. 5, 2009) (Alltel Petition); *see also* Request for Review by Verizon/Alltel Management Trust of Decision of the Universal Service Administrator, WC Docket No. 03-109, Errata (filed Oct. 6, 2009). Alltel and its subsidiaries, including Alltel Communications, LLC, were acquired by Cellco Partnership d/b/a Verizon Wireless as of January 9, 2009. Alltel Petition at 4 n.1. The Verizon/Alltel Management Trust was created to manage properties in 105 Cellular Market Areas, including in the tribal areas in North Dakota and South Dakota that are the subject of this appeal, prior to their divestiture by Verizon. *Id.*

² *See* Alltel Petition at Exhibit 1; *see also Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302, 8306, para. 4 (2004) (*Lifeline and Link-Up Order*) (specifying that support for Lifeline subscribers is for "a single telephone line in their principal residence"); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8957, para. 341 (1997) (*Universal Service First Report and Order*), *aff'd in part, Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (subsequent history omitted).

³ *See* Alltel Petition at Exhibit 2; *see also* 47 C.F.R. § 54.400(e) (defining "eligible resident of tribal lands"); *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12287-88, para. 180 (2000) (*Tribal Lands Order*) (setting forth the eligibility criteria for Tier 4 Lifeline support).

497;⁴ and (4) claimed Lifeline support for subscribers on tribal lands who received a rate plan that included toll-free calling.⁵

Interested parties may file **comments on or before January 29, 2010**, and **reply comments on or before February 16, 2010**. All pleadings are to reference **WC Docket No. 03-109**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁶

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>.
- 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. 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.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Jamie Susskind, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B418, Washington, D.C. 20554; e-mail: Jamie.Susskind@fcc.gov; and

⁴ See Alltel Petition at Exhibit 3; see also *Lifeline and Link-Up Order*, 19 FCC Rcd at 8304, para. 4; *Universal Service First Report and Order*, 12 FCC Rcd at 8957, para. 341.

⁵ See Alltel Petition at Exhibit 4; see also 47 C.F.R. § 54.401(a) (defining Lifeline as a "retail local service offering"); *Universal Service First Report and Order*, 12 FCC Rcd at 8991, para. 404 (declining to provide universal service Lifeline support for the use of interexchange and advanced services for low-income consumers); *Tribal Lands Order*, 15 FCC Rcd at 12238, para. 58 (noting that intrastate toll services are not supported by the universal service Lifeline program).

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(3) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@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.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ 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.⁸ 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.⁹

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

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⁷ 47 C.F.R. §§ 1.1200 *et seq.*

⁸ *See* 47 C.F.R. § 1.1206(b)(2).

⁹ 47 C.F.R. § 1.1206(b).