



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 10-1516

Release Date: August 13, 2010

**COMMENT SOUGHT ON REQUEST TO PERMANENTLY GRANDFATHER RURAL  
HEALTH CARE PROVIDERS THAT RECEIVED FUNDING COMMITMENTS PRIOR TO  
JULY 1, 2005 SO THAT THEY WILL REMAIN ELIGIBLE FOR UNIVERSAL SERVICE  
SUPPORT  
WC Docket No. 02-60**

**Comment Date: August 30, 2010**

**Reply Comment Date: September 13, 2010**

The Wireline Competition Bureau seeks comment on the petition filed by the Nebraska Public Service Commission (Nebraska Commission) to permanently grandfather rural health care providers that would not be eligible for universal service support after June 30, 2011, absent Commission action.<sup>1</sup> In the *Second Report and Order*, the Commission changed the definition of “rural” under the rural health care support mechanism and the new definition excluded some health care providers that were previously deemed to be “rural.”<sup>2</sup> In order to ease the transition to the new definition, the Commission permitted all health care providers that had previously received a funding commitment from the Universal Service Administrative Company (USAC) to continue to qualify for support under the rural health care support mechanism for the next three years under the old definition.<sup>3</sup> In 2008, the Commission released an *Order on Reconsideration* extending the grandfather period for an additional three years.<sup>4</sup> The extension is scheduled to expire on June 30, 2011.<sup>5</sup> The Nebraska Commission requests that the Commission permanently grandfather health care providers that qualified for rural health care support prior to the *Second Report and Order* so that they continue to be eligible for rural health care support. This Public Notice seeks comment on whether the Commission should grant the requested relief, either through permanent grandfather, permanent waiver, or other action.

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<sup>1</sup> See Letter from Anne Boyle, Commissioner, Nebraska Public Service Commission, to Federal Communications Commission, WC Docket No. 02-60 (filed Jul. 26, 2010).

<sup>2</sup> *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Second Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 24613, 24619-20, paras. 11-13 (2004) (*Second Report and Order*).

<sup>3</sup> *Second Report and Order*, 19 FCC Rcd at 24623-24, para. 23; 47 C.F.R. § 54.601(a)(3)(i).

<sup>4</sup> *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order on Reconsideration, 23 FCC Rcd 2539, 2541, para. 4. (2008) (*Order on Reconsideration*).

<sup>5</sup> *Id.*

Interested parties may file comments on or before **August 30, 2010**, and reply comments on or before **September 13, 2010**. All pleadings are to reference **WC Docket No. 02-60**.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>6</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:**

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

- (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](http://www.bcpiweb.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) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: [Charles.Tyler@fcc.gov](mailto: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.bcpiweb.com](http://www.bcpiweb.com).

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

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

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>8</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>9</sup> 47 C.F.R. § 1.1206(b).