



# PUBLIC NOTICE

Federal Communications Commission  
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DA 10-522

Release Date: March 31, 2010

**WIRELINER COMPETITION BUREAU SEEKS COMMENT ON REQUESTS FOR REVIEW  
BY AT&T INC., T-MOBILE USA, INC., AND TRACFONE WIRELESS, INC.  
OF DECISIONS OF THE UNIVERSAL SERVICE ADMINISTRATOR  
CONCERNING AUDIT FINDINGS RELATING TO THE LOW-INCOME PROGRAM**

**WC DOCKET NO. 03-109**

**Comment Date: April 30, 2010**

**Reply Comment Date: May 17, 2010**

Pending before the Wireline Competition Bureau (Bureau) are three requests for review of certain Universal Service Administrative Company (USAC) low-income support audit findings against Cingular Wireless (Cingular),<sup>1</sup> T-Mobile USA, Inc. (T-Mobile), and TracFone Wireless, Inc. (TracFone).<sup>2</sup> In each case, USAC found that the carrier failed to comply with the documentation retention requirements of the Commission's *Hurricane Katrina Order*.<sup>3</sup>

In its request for review, AT&T challenges USAC's finding that, because Cingular could not produce documentation to substantiate the eligibility of its Katrina Lifeline subscribers, USAC should recover the full amount of Katrina Lifeline support disbursed to Cingular.<sup>4</sup> Similarly, T-Mobile seeks review of USAC's findings that T-Mobile (1) failed to produce documentation to substantiate the eligibility of its Katrina Lifeline subscribers, and (2) provided Lifeline services to ineligible subscribers with "business-like" names.<sup>5</sup> Finally, TracFone challenges USAC's findings that TracFone (1) failed to

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<sup>1</sup> Cingular Wireless became a wholly-owned subsidiary of AT&T Inc. in March 2007, when AT&T acquired BellSouth Corporation. See *AT&T Inc. and BellSouth Corporation; Application for Transfer of Control*, WC Docket No. 06-74, Memorandum Opinion and Order, 22 FCC Rcd 5662 (2007).

<sup>2</sup> Request for Review by AT&T Inc. of Decision of the Universal Service Administrator, WC Docket No. 03-109 (filed Feb. 1, 2010) (AT&T Appeal); Request for Review by T-Mobile USA, Inc. of the Decision of the Universal Service Administrator, WC Docket No. 03-109 (filed Feb. 16, 2010) (T-Mobile Appeal); Request of TracFone Wireless, Inc. for Review of Decision of the Universal Service Administrator, WC Docket No. 03-109, CC Docket No. 96-45 (filed Mar. 8, 2010) (TracFone Appeal).

<sup>3</sup> See *Federal-State Joint Board on Universal Service; Schools and Libraries Universal Support Mechanism; Rural Health Care Support Mechanism; Lifeline and Link-Up*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 03-109, Order, 20 FCC Rcd 16883, 16895, para. 23 (2005) (*Hurricane Katrina Order*).

<sup>4</sup> AT&T Appeal at 1-2; see *id.* at Attachment A (copy of USAC auditor's report).

<sup>5</sup> T-Mobile Appeal at 2; see *id.* at Exhibit A (copy of USAC auditor's report).

ensure that the documentation provided by its Katrina Lifeline subscribers demonstrated their eligibility for FEMA disaster housing assistance, and (2) did not produce documentation to substantiate the eligibility of its Katrina Lifeline subscribers.<sup>6</sup>

Interested parties may file **comments on or before April 30, 2010**, and **reply comments on or before May 17, 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.<sup>7</sup>

- 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 12<sup>th</sup> 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 at both locations 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](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) 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](mailto:Jamie.Susskind@fcc.gov); and
- (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](mailto:Charles.Tyler@fcc.gov).

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<sup>6</sup> TracFone Appeal at i; *see id.* at Attachment A (copy of USAC auditor's report).

<sup>7</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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>8</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>9</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>10</sup>

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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<sup>8</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>9</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>10</sup> 47 C.F.R. § 1.1206(b).