

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Universal Service Contribution Methodology)	
Mercury Wireless Request for Waiver)	WC Docket No. 06-122

ORDER

Adopted: September 21, 2012

Released: September 21, 2012

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we deny a request for waiver filed by Mercury Wireless (Mercury).¹ Mercury acknowledges that it missed the filing deadlines for its 2009 – 2011 FCC Forms 499-A, but requests a waiver of any late filing fees because Mercury claims that it was not aware of its obligation to file FCC Form 499-A to report revenues until 2011.

2. We conclude that Mercury has failed to demonstrate that there is good cause to waive the applicable sections of the Commission’s rules.² Generally, the Commission’s rules may be waived if good cause is shown.³ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁴ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁵ Waiver of the Commission’s rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁶ We find that there is no evidence to substantiate Mercury’s claims. Businesses have a responsibility to familiarize themselves with applicable rules and regulations.⁷ Mercury’s statements are merely cursory, and it has not presented specific information as to the rule(s) for which it seeks waiver, the reason that such waiver would be appropriate, the special circumstances that warrant a deviation from the general rule, nor why such deviation would serve the public interest. Accordingly, we deny Mercury’s request for waiver.

3. IT IS ORDERED that, pursuant to the authority contained in sections 4(i) and 254(d) of the Communications Act, 47 U.S.C. §§ 4(i), 254(d), and the authority delegated by sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, the request for waiver filed by Mercury Wireless on August 15, 2012, IS DENIED.

¹ Letter from Dennis R. Wiseman, Mercury Wireless, to Office of the Secretary, FCC, WC Docket No. 06-122 (filed August 15, 2012).

² See generally 47 C.F.R. §§ 54.706, 54.711 (universal service contribution and reporting requirements).

³ 47 C.F.R. § 1.3.

⁴ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁶ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

⁷ See 47 C.F.R. §0.406.

4. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau