



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON VIRGIN ISLAND TELEPHONE'S PETITION FOR CLARIFICATION AND WAIVER OF LIFELINE ELIGIBILITY RULES

WC Docket Nos. 11-42

Comment Date: January 10, 2013

Reply Comment Date: January 25, 2013

The Wireline Competition Bureau (Bureau) seeks comment on a petition for clarification and waiver of the Lifeline rules filed by Virgin Islands Telephone Corp., Inc. D/B/A Innovative Telephone (Innovative).¹ In its petition, Innovative explains that legal issues unique to the United States Virgin Islands (USVI) justify waiver and/or clarification of the Commission's Lifeline eligibility criteria.² Specifically, Innovative seeks (1) an order clarifying that certain Social Security benefit programs accepted in the USVI qualify consumers for Lifeline under section 54.409(a)(2);³ (2) a waiver of section 54.409(a)(2) to exclude the Nation School Lunch Program (NSLP) from the list of programs through which consumers can qualify for Lifeline in the USVI, or, in the alternative, an order clarifying that consumers in the USVI cannot qualify for Lifeline through receipt of NSLP benefits because all consumers with school-age children in the USVI are eligible to receive NSLP benefits;⁴ and (3) an order clarifying whether the USVI should use the federal poverty guidelines for the mainland United States or the federal poverty guidelines for Hawaii/Alaska in determining Lifeline eligibility under section 54.409(a)(1).⁵

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the dates indicated above.⁶ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁷

¹ See Virgin Islands Telephone Corp., Inc. Petition for Clarification and Waiver, WC Docket No. 11-42 *et al.*, CC Docket No. 96-45 (filed Nov. 29, 2012) (Innovative Petition); Letter of Bennett Ross, Innovative Telephone, to Marlene H. Dortch, FCC, WC Docket No. 11-42 *et al.*, CC Docket No. 96-45 (filed Dec. 10, 2012) (clarifying scope of petition).

² See *Innovative Petition* at 1; 47 C.F.R. § 54.409(a).

³ See *Innovative Petition* at 2-3.

⁴ See *id.* at 3.

⁵ See *id.* at 3-4.

⁶ 47 C.F.R. §§ 1.415, 1.419.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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.

- 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, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 must be addressed to 445 12th Street, SW, Washington DC 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) Jonathan Lechter, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B510, Washington, DC 20554; e-mail: jonathan.lechter@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A452, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the

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

⁸ 47 C.F.R. §§ 1.1200 *et seq.*

presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

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