



PUBLIC NOTICE

Federal Communications Commission
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DA 12-387

Release Date: March 9, 2012

COMMENT SOUGHT ON USTELECOM ET AL. PETITION FOR WAIVER AND CLARIFICATION OF LIFELINE REFORM ORDER

**WC Docket Nos. 11-42, 03-109, 12-23;
CC Docket No. 96-45**

Comment Date: March 20, 2012

The Wireline Competition Bureau (Bureau) seeks comment on a Petition for Waiver and Clarification of the Commission's *Lifeline Reform Order*¹ filed by the United States Telecom Association, the Independent Telephone and Telecommunications Alliance, the National Telecommunications Cooperative Association, the Organization For the Promotion and Advancement of Small Telecommunications Companies, the Western Telecommunications Alliance, and the Eastern Rural Telecom Association (collectively "USTelecom *et al.*") on March 9, 2012.²

In its petition, USTelecom *et al.*, requests that the Commission waive for "post-paid ETCs" the effective date of several rules established in the recent *Lifeline Reform Order*.³ Specifically, the petitioners request that the Commission waive, with respect to "post-paid ETCs," the April 2, 2012 effective date for: (1) the establishment of the new flat-rate Lifeline reimbursement amount for subscribers on non-Tribal lands; (2) the elimination of Link Up discounts on non-Tribal lands and (3) changes to the Link Up discount on Tribal lands.⁴ The petitioners request that the effective dates for these

¹ See *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45, FCC 12-11 (rel. Feb. 6, 2012) (*Lifeline Reform Order*).

² Petition for Waiver and Clarification of the United States Telecom Association, the Independent Telephone and Telecommunications Alliance, the National Telecommunications Cooperative Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies, the Western Telecommunications Alliance, and the Eastern Rural Telecom Association, WC Dkt. Nos. 11-42 *et al.* CC Dkt. No. 95-45 (filed Mar. 9, 2012) (*USTelecom et al., Petition*).

³ *USTelecom et al., Petition* at 3-8.

⁴ *Id.* The petitioners also request that, to the extent the Commission did not intend to make "changes [in the] manner by which carriers must calculate the Link Up discount" on Tribal lands, the Commission should clarify its intent. *Petition* at 7-8.

requirements be extended until October 1, 2012.⁵ The petitioners note that to the extent a postpaid ETC is able to comply with these requirements prior to October 1, 2012, “it should do so.”⁶

USTelecom *et al.*, also requests that the Commission clarify the effective date and scope of the new certification requirements established in Section 54.407(d)⁷ of the revised Lifeline rules.⁸

Interested parties may file comments **on or before March 20, 2012**. Because at least some of the rules from which USTelecom seeks waiver will go into effect in April 2, the Bureau adopts an expedited comment period for this proceeding.⁹ All comments are to reference **WC Docket Nos. 12-23, 11-42, 03-109, and CC Docket No. 96-45** and may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.

- 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 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.

- 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 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.

⁵ *Id.* at 8.

⁶ *Id.*

⁷ See 47 C.F.R. § 54.407(d).

⁸ Specifically, the petitioners request that the Commission clarify (1) the scope of Section 54.407(d) in those states with automatic enrollment procedures; (2) that ETCs are permitted to qualify their certification under Section 54.407(d) by indicating “compliance with all of the rules in this subpart that are in effect at the time of the reimbursement request”; and (3) the mechanics of how the certification requirement will be implemented. *USTelecom et al., Petition* at 9-10.

⁹ See *Lifeline Reform Order* para. 515. We note that the Commission’s rules themselves provide for a default 10 day filing period in certain circumstances. See, e.g., 47 C.F.R. § 1.45(b) (“Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.”).

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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) Jonathan Lechter, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B438, Washington, D.C. 20554; e-mail: Jonathan.Lechter@fcc.gov;
- (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.¹⁰ 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.¹¹ 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.¹²

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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¹⁰ 47 C.F.R. §§ 1.1200 *et seq.*

¹¹ *See* 47 C.F.R. § 1.1206(b)(2).

¹² 47 C.F.R. § 1.1206(b).