



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-662
Release Date: May 4, 2012

COMMENT SOUGHT ON PETITIONS FOR WAIVER SUBMITTED BY STATE COMMISSIONS

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

Comment Date: May 15, 2012

The Wireline Competition Bureau seeks comment on three petitions for waiver filed by the Montana Public Service Commission¹ (MT PSC), the Public Utilities Commission of Oregon² (PUC OR), and the Colorado Public Utilities Commission³ (CO PUC) (collectively, the Petitioners). Petitioners request a temporary waiver of the June 1, 2012 effective date of section 54.409 as amended by the *Lifeline Reform Order*, which establishes uniform eligibility criteria for Lifeline.⁴

Petitioners request a temporary waiver of the deadline to implement the uniform eligibility criteria, because they argue that their respective state legislatures need time to enact legislation to harmonize the eligibility criteria for Lifeline and similar state programs.⁵ The MT PSC requests the effective date for the implementation of uniform eligibility criteria be extended until June 1, 2013.⁶ The PUC OR and CO PUC request the effective date for the implementation of uniform eligibility criteria be extended until July 1, 2013.⁷

Because at the rules from which the Petitioners seek waiver will go into effect June 1, the Bureau adopts an expedited comment period for this proceeding. Interested parties may file **comments on or before May 15, 2012** Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties

¹ Montana Public Service Commission, Petition for Waiver, WC Dkt. Nos. 11-42 *et al.*, CC Dkt No. 96-45 (filed Mar. 20, 2012) (*MT PSC Petition*).

² Public Utility Commission of Oregon, Petition for Waiver, WC Dkt. Nos. 11-42 *et al.*, CC Dkt No. 96-45, (filed Apr. 19, 2012) (*PUC OR Petition*).

³ Colorado Public Utilities Commission, Petition for Waiver, WC Dkt. Nos. 11-42 *et al.*, CC Dkt No. 96-45 (filed Apr. 6, 2012) (*CO PUC Petition*).

⁴ 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, para. 515 (rel. Feb. 6, 2012) (*Lifeline Reform Order*) (setting June 1, 2012 effective date for uniform eligibility criteria in 47 C.F.R. § 54.409(a)).

⁵ *MT PSC Petition* at 1-2; *PUC OR Petition* at 4; *CO PUC Petition* at 3.

⁶ *MT PSC Petition* at 2.

⁷ *PUC OR Petition* at 4; *CO PUC Petition* at 3.

may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁸

- 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).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁹ 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 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

⁸ See 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁹ 47 C.F.R. §§ 1.1200 *et seq.*

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.

- FCC -