



# PUBLIC NOTICE

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

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>

**DA 12-692**  
**Release Date: May 1, 2012**

## **COMMENT SOUGHT ON USTELECOM PETITION FOR WAIVER OF LIFELINE RULES**

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

**Comment Date: May 15, 2012**

The Wireline Competition Bureau (Bureau) seeks comment on a Petition for Waiver (petition) filed on April 25, 2012 by the United States Telecom Association (USTelecom).<sup>1</sup>

In its petition, USTelecom requests that the Commission temporarily waive several rules established in the recent *Lifeline Reform Order*.<sup>2</sup> Specifically, USTelecom seeks a temporary waiver from the obligation to obtain a signed customer certification and a notice of customer eligibility from certain states prior to seeking reimbursement (sections 54.407(d), 54.410(b)(2), 54.410(c)(2)). USTelecom requests that the waiver apply to ETCs in those states which make initial determinations of customer eligibility and are unable to modify their procedures in time for the ETCs to comply with sections 54.407(d), 54.410(b)(2) and 54.410 by June 1, 2012.<sup>3</sup> USTelecom requests that the waiver last until a state is able to provide ETCs with the required notices of eligibility and customer certifications.<sup>4</sup>

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<sup>1</sup> *Lifeline and Link Up Reform and Modernization et al.*, Petition for Waiver, WC Dkt. Nos. 11-42 *et al.* CC Dkt. No. 95-45 (filed Apr. 25, 2012) (*USTelecom Petition*).

<sup>2</sup> *See Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Rulemaking, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45, FCC 12-11 (rel. Feb 6, 2012) (*Lifeline Reform Order*).

<sup>3</sup> *See id.* at 2-3 (noting that the waiver request would only apply to customers in a state served by ETCs which do not themselves screen for eligibility and only to those customers in a state enrolled through qualifying programs subject to automatic enrollment.)

<sup>4</sup> *See id.* at 2.

Interested parties may file comments on or before May 15, 2012. Because at least some of the rules from which USTelecom seeks waiver will go into effect June 1, 2012 the Bureau adopts an expedited comment period for this proceeding.<sup>5</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties 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).<sup>6</sup>

- 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 12<sup>th</sup> 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 12<sup>th</sup> 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](mailto: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.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two

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<sup>5</sup> See *Wireline Competition Bureau Provides Notice Regarding the Effective Date of Certain Rules Adopted in the Lifeline Reform Order*, Public Notice, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45, DA 12-689 at n.2, 2 (rel. May 1, 2012) (noting, among other things, that section 54.410(a)-(f) will go into effect June 1, 2012).

<sup>6</sup> See 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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 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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