



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

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WIRELINE COMPETITION BUREAU APPROVES THE COMPLIANCE PLAN OF NTCH, INC.

WC Docket Nos. 09-197

The Wireline Competition Bureau (Bureau) approves a compliance plan submitted by NTCH, Inc. (NTCH) pursuant to the *NTCH/Cricket Forbearance Order*.¹ In the *NTCH/Cricket Forbearance Order*, the Commission conditionally granted NTCH's request for forbearance from the service area conformance requirement of section 214(e)(5) of the Communications Act of 1934, as amended (the Act) and section 54.207(b) of the Commission's rules.² The Commission's grant of forbearance was conditioned on NTCH complying with eleven specific obligations directed at protecting against waste, fraud and abuse.³ The final obligation requires NTCH to submit to the Bureau a compliance plan outlining the measures NTCH will take to implement the obligations contained in the *NTCH/Cricket Forbearance Order*.⁴ The Commission directed the Bureau to review NTCH's compliance plan for conformance with the obligations imposed by the *NTCH/Cricket Forbearance Order*, and prohibited NTCH from being designated as an ETC in partial rural service areas by either a state commission or this Commission until the Bureau approved its compliance plan.⁵

After reviewing NTCH's compliance plan, we find that it conforms to the requirements in the *NTCH/Cricket Forbearance Order*, and hereby approve the NTCH Compliance Plan. Therefore, subject to NTCH fulfilling the commitments it makes in its compliance plan, and complying with the *Lifeline Reform Order* and the amended rules adopted pursuant to that order,⁶ NTCH may apply for designation as an ETC for Lifeline-only support without redefining its service area to conform to the service area of the underlying rural telephone company.⁷ We note that NTCH must comply with the terms of its compliance

¹ NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b), WC Docket No. 09-197, Compliance Plan (filed Mar. 2, 2012) (NTCH Compliance Plan); *NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b)*; *Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, 26 FCC Rcd 13723 (2011) (*NTCH/Cricket Forbearance Order*).

² *NTCH/Cricket Forbearance Order*, 26 FCC Rcd at 13723, 13726-27, paras. 1, 9; see 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b). Forbearance from the service area conformance requirement applies only to federal universal service Lifeline support; NTCH must abide by the service area conformance requirements and seek redefinition of a service area if it seeks federal universal service high-cost support. *NTCH/Cricket Forbearance Order*, 26 FCC Rcd at 13723-24, 32 paras. 2, 18.

³ *Id.* para. 15.

⁴ *Id.* paras. 15-17.

⁵ *Id.* para. 17.

⁶ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, at paras. 379-380 (rel. Feb. 6, 2012) (*Lifeline Reform Order*).

⁷ The Commission has not acted on any pending ETC petitions filed by NTCH, and this Public Notice serves only to approve the compliance plan filed by NTCH. Furthermore, we leave it to the designating authority to determine

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plan in any state in which NTCH seeks to take advantage of the grant of forbearance from the redefinition requirement.⁸

Filings and comments are 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) 448-5563, or via email www.bcpiweb.com.

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

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whether NTCH's Lifeline offerings are sufficient to serve consumers. *See* NTCH/Cricket Forbearance Order, para. 18 (explaining that state commissions and this Commission are still required to make an independent assessment as to whether designating NTCH as an ETC is in the public interest before including any part of a rural service area in NTCH's service area); *see also*, *Lifeline Reform Order*, FCC 12-11 at paras. 50 (explaining that while the Commission does not adopt minimum service requirements for ETCs offering Lifeline service, ETCs are expected to continue offering low-income subscribers innovative and sufficient service plans).

⁸ *See* NTCH/Cricket Forbearance Order, 26 FCC Red at 13731, para. 16.