The Wireline Competition Bureau (Bureau) approves a compliance plan submitted by NTCH, Inc. (NTCH) pursuant to the NTCH/Cricket Forbearance Order. 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. The Commission’s grant of forbearance was conditioned on NTCH complying with eleven specific obligations directed at protecting against waste, fraud and abuse. 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. 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.

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, 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. We note that NTCH must comply with the terms of its compliance


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.


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 (continued . . .)
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 12\(^{th}\) 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 12\(^{th}\) Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 448-5563, or via email www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-7400 or TTY (202) 418-0484.

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

-FCC-

(. . . continued from previous page) 

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 Rcd at 13731, para. 16.