



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 13-539

Release Date: March 22, 2013

## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON FIVE9'S REQUEST FOR REVIEW OF A DECISION BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

WC Docket No. 06-122

Comment Date: April 22, 2013

Reply Comment Date: May 6, 2013

The Wireline Competition Bureau seeks comment on a request filed by Five9, Inc. (Five9).<sup>1</sup> Five9 seeks review of a January 18, 2013 decision by the Universal Service Administrative Company (USAC) denying Five9's request for credit for universal service fees it paid to its underlying carriers from 2008 through 2012.<sup>2</sup> Five9 also seeks waiver of any late payment penalties.<sup>3</sup> Finally, Five9 seeks expedited action for its request.<sup>4</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules,<sup>5</sup> interested parties may file **comments on or before April 22, 2013 and reply comments on or before May 6, 2013**. All pleadings are to reference **WC Docket 06-122**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>6</sup>

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

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<sup>1</sup> Request for Review of a Decision by the Universal Service Administrator and Expedited Action by Five9, Inc., WC Docket 06-122 (filed Mar. 15, 2013) (Request for Review). Five9 previously submitted a separate request seeking review of those parts of USAC's January 18, 2013 decision that involve Five9's contribution obligations for 2003 to 2007. See Request for Review of a Decision by the Universal Service Administrator and Emergency Request for Stay by Five9, Inc., WC Docket 06-122 (filed Feb. 22, 2013). The February 22 request for review was placed separately on public notice on March 13, 2013. See *Wireline Competition Bureau Seeks Comment on Five9's Request for Review of a Decision by the Universal Service Administrative Company*, WC Docket 06-122, Public Notice, DA 13-426 (rel. Mar. 13, 2013).

<sup>2</sup> Request for Review at 5-6.

<sup>3</sup> *Id.* at 10-11.

<sup>4</sup> *Id.* at 11.

<sup>5</sup> 47 C.F.R. §§ 1.415, 1.419.

<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

- *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).

**Additional Copies.** In addition, one copy of each pleading must be sent to each of the following:

- Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B432, Washington, D.C. 20554; e-mail: [Erica.Myers@fcc.gov](mailto:Erica.Myers@fcc.gov); and
- 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](mailto:Charles.Tyler@fcc.gov).

**Ex Parte Rules.** 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 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

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

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 Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484, or Erica.Myers@fcc.gov.