



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SMART CITY TELECOM PETITION FOR LIMITED WAIVER OF THE COMMISSION'S INTERCARRIER COMPENSATION REVENUE RECOVERY RULES FOR RATE-OF-RETURN CARRIERS

CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51;  
WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208

**Comment Date: April 15, 2013**

The Wireline Competition Bureau (Bureau) seeks comment on a petition for waiver of 47 C.F.R. section 51.917(b)(7)(ii) filed by Smart City Telecommunications LLC d/b/a Smart City Telecom (Smart City) on March 27, 2013.<sup>1</sup>

In its Petition, Smart City seeks “a limited waiver of 47 C.F.R. Section 51.917(b)(7)(ii)...[to] allow Smart City Telecom to include in its FY 2011 Base Period Revenues amounts...that should have been billed and collected by March 31, 2012 but were not due to a billing dispute that occurred during” FY 2011.<sup>2</sup> Smart City states that the company excluded disputed amounts when it calculated the FY 2011 Base Period Revenue.<sup>3</sup> Subsequently, the company settled the dispute and received payment after the March 31, 2012 collection deadline.<sup>4</sup>

Smart City argues that the requested waiver is justified because the overall purpose of the waiver process described in footnote 1745 of the *USF/ICC Transformation Order*<sup>5</sup> is “... to allow a company to include revenues associated with FY 2011 that were billed and collected to be included in the Baseline when those revenues were collected after March 31, 2012.”<sup>6</sup>

<sup>1</sup> Petition of Smart City Telecommunications LLC d/b/a Smart City Telecom for Limited Waiver of 47 C.F.R. § 51.917(b), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-109, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed March 27, 2013) (Smart City Petition).

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 3-4.

<sup>5</sup> See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd at 17982 (2011) (*USF/ICC Transformation Order*), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

<sup>6</sup> Smart City Petition at 5.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, 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). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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 Street, 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 D.C. 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) or (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to Gregory Haledjian, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5A-104, Washington, D.C. 20554, or via e-mail at [Gregory.Haledjian@fcc.gov](mailto:Gregory.Haledjian@fcc.gov).

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

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

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 Gregory Haledjian, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at [Gregory.Haledjian@fcc.gov](mailto:Gregory.Haledjian@fcc.gov).

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