



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 13-864

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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON  
UNITED STATES TELECOM ASSOCIATION PETITION FOR RECONSIDERATION  
AND CLARIFICATION OF THE HEALTHCARE CONNECT FUND ORDER**

**WC Docket No. 02-60**

**Comment Date: May 9, 2013**

**Reply Comment Date: May 20, 2013**

The Wireline Competition Bureau seeks comment on a petition filed by the United States Telecom Association (USTelecom)<sup>1</sup> for reconsideration and clarification of the Healthcare Connect Fund (HCF) Order (Order).<sup>2</sup> USTelecom asks the Commission to reconsider its decisions to permit health care providers (HCPs) participating in the HCF program to install and resell excess capacity,<sup>3</sup> and to receive support for dark fiber.<sup>4</sup>

USTelecom also asks the Commission to clarify: (1) that enforcement actions seeking recovery for violations in all universal service rural health care (RHC) programs be directed solely at the responsible parties;<sup>5</sup> (2) whether its RHC programs' competitive bidding rules prohibit gifts from service providers to applicants;<sup>6</sup> (3) service providers' broadband metrics reporting requirements;<sup>7</sup> and (4) certain certification and invoicing requirements, including the time frame within which HCPs must submit invoices to service providers.<sup>8</sup>

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<sup>1</sup> USTelecom Association Petition for Reconsideration and Clarification, WC Docket No. 02-60 (filed Apr. 1, 2013) (Petition); Petition for Reconsideration of Action in a Rulemaking Proceeding, 78 Fed. Reg. 24147 (Apr. 24, 2013).

<sup>2</sup> *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678 (2012).

<sup>3</sup> Petition at 2-5.

<sup>4</sup> *Id.* at 5-6.

<sup>5</sup> *Id.* at 6-7.

<sup>6</sup> *Id.* at 7-8.

<sup>7</sup> *Id.* at 9-10.

<sup>8</sup> *Id.* at 10-11.

Pursuant to sections 1.4(b)(1) and 1.429(f), (g), (h) of the Commission's rules, interested parties may file comments on or before the dates indicated above.<sup>9</sup> Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>10</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).

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

- (1) Mark Walker, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B431, Washington, D.C. 20554; e-mail: [Mark.Walker@fcc.gov](mailto:Mark.Walker@fcc.gov); and
- (2) 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).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>11</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>9</sup> 47 C.F.R. §§ 1.4(b)(1), 1.429 (f), (g), (h).

<sup>10</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<sup>11</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 Mark Walker, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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