



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 18-1013

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PLEADING CYCLE ESTABLISHED FOR PETITIONS FOR RECONSIDERATION OF THE *PERFORMANCE MEASURES ORDER*

WC Docket No. 10-90

Oppositions Due: 15 days after date of publication in the Federal Register
Replies Due: 25 days after date of publication in the Federal Register

1. On July 6, 2018, the Wireline Competition Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology adopted the *Performance Measures Order*.¹ For recipients of high-cost universal service support to serve fixed locations, that *Order* established a framework for measuring speed and latency performance, determining a recipient's compliance with its speed and latency obligations, and providing incentives for recipients to meet those obligations.

2. On September 19, 2018, Hughes Network Systems, LLC, Micronesian Telecommunications Corporation, and Viasat, Inc. each filed petitions for reconsideration of the *Order*.² Additionally, USTelecom – The Broadband Association, ITTA – The Voice of America's Broadband Providers, and the Wireless Internet Service Providers Association jointly filed a petition for reconsideration,³ while NTCA – The Rural Broadband Association and WTA – Advocates for Rural Broadband filed applications for review.⁴

3. Pursuant to the Commission's rules,⁵ oppositions to the petitions for reconsideration must be filed no later than 15 days after the publication date of this Public Notice in the Federal Register, and replies to oppositions must be filed no later than 10 days thereafter. Oppositions and replies may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.

¹ *Connect America Fund*, WC Docket No. 10-90, Order, DA 18-710 (WCB/WTB/OET July 6, 2018) (*Performance Measures Order* or *Order*).

² Hughes Network Systems, LLC, Petition for Clarification, or in the Alternative, Reconsideration, WC Docket No. 10-90 (filed Sept. 19, 2018); Micronesian Telecommunications Corporation, Petition for Partial Reconsideration, WC Docket No. 10-90 (filed Sept. 19, 2018); Viasat, Inc., Petition for Reconsideration of Viasat, Inc., WC Docket No. 10-90 (filed Sept. 19, 2018).

³ USTelecom – The Broadband Association, ITTA – The Voice of America's Broadband Providers, and the Wireless Internet Service Providers Association, Petition for Reconsideration and Clarification, WC Docket No. 10-90 (filed Sept. 19, 2018).

⁴ NTCA – The Rural Broadband Association, Application for Review and Request for Clarification of NTCA – The Rural Broadband Association, WC Docket No. 10-90 (filed Sept. 19, 2018); WTA – Advocates for Broadband, Application for Review, WC Docket No. 10-90 (filed Sept. 19, 2018). Pursuant to section 1.115(d) of the Commission's rules, oppositions to the applications for review are due October 4, 2018, and replies to those oppositions are due October 15, 2018. See 47 CFR §§ 1.5(j), 1.115(d). Those deadlines are not applicable to oppositions and replies regarding the petitions for reconsideration. See 47 CFR §§ 1.429(f)-(g).

⁵ 47 CFR §§ 1.429(f)-(g).

- Electronic Filers: Oppositions and replies may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. 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 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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

4. 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 or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

5. This proceeding shall continue to be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ 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 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.

6. For further information, please contact Stephen Wang, Telecommunications Access Policy Division, Wireline Competition Bureau, at 202-418-7400.

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⁶ 47 CFR §§ 1.1200 *et seq.*