



PUBLIC NOTICE

Federal Communications Commission
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DA 20-65

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WIRELINE COMPETITION BUREAU SEEKS TO DETERMINE PARTIES' CONTINUING INTEREST IN SEVERAL PETITIONS FOR RECONSIDERATION OF ASPECTS OF THE *USF/ICC TRANSFORMATION ORDER*

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

Deadline for Responses: 45 days after publication in the Federal Register

The Wireline Competition Bureau (Bureau) has pending before it eight petitions for reconsideration of various aspects of the intercarrier compensation provisions of the *USF/ICC Transformation Order* (together the Petitions).¹ Each of the Petitions was filed in 2011 and no entities have filed comments or *ex parte* submissions regarding these petitions for several years. In addition, the various requests for relief in the Petitions appear to be moot or are otherwise no longer relevant in light of regulatory changes, including ongoing intercarrier compensation and universal service reforms, that have occurred since these filings were made.² As part of the Commission's effort to manage its dockets and reduce backlog,³ and in an effort to avoid the need to address issues unnecessarily, the Bureau seeks to assess the Petitioners' continuing interests in these petitions, and to efficiently resolve issues that are no longer contested. We therefore plan to dismiss each Petition listed below with prejudice unless a

¹ 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 17663 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014). The Petitions are identified in a chart below.

² See, e.g., *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order on Reconsideration, 26 FCC Rcd 17633 (2011); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Second Order on Reconsideration, 27 FCC Rcd 4648 (2012); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622 (2012); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Fourth Order on Reconsideration, 27 FCC Rcd 8814 (2012); *Connect America Fund, Developing an Unified Intercarrier Compensation Regime*, WC Docket No. 10-90, CC Docket No. 01-92, Declaratory Ruling, 30 FCC Rcd 1587 (2015); *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-155, Report and Order and Modification of Section 214 Authorizations, 34 FCC Rcd 9035 (2019).

³ Cf. *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594, 1604, paras. 23-24 (2011) (termination of dormant proceedings).

Petitioner files a notice in the relevant dockets within 45 days of the date of Federal Register publication of this Public Notice specifying that it objects to the dismissal of its Petition. Upon release of this Public Notice, the Bureau will send copies to the Petitioners.

These Petitions and related information are provided below:

Petitioner	Petitions	Date Petition Filed
Public Service Commission of the District of Columbia	Petition for Reconsideration of an aspect of the <i>Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund</i> , WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (<i>USF/ICC Transformation Order</i>).	12/28/2011
MetroPCS Communications, Inc.	Petition of MetroPCS Communications, Inc. for Clarification and Limited Reconsideration of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011
National Exchange Carrier Association, Inc.; Organization for the Promotion and Advancement of Small Telecommunications Companies; and Western Telecommunications Alliance (Rural Associations)	Petition for Reconsideration and Clarification of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011
NTCH, Inc.	Petition for Reconsideration of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011
Onvoy, Inc. and its affiliate, 360networks (USA) inc.	Petition for Clarification or Reconsideration of an aspect of the <i>USF/ICC Transformation Order</i> .	12/23/2011
Sprint Nextel Corporation	Petition for Reconsideration and Clarification of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011
United States Telecom Association	Petition for Reconsideration and Clarification of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011

Petitioner	Petitions	Date Petition Filed
Verizon (Verizon Communications Inc. and Verizon Wireless) (Verizon Petition) ⁴	Petition for Clarification or, in the Alternative, for Reconsideration of aspects of the <i>USF/ICC Transformation Order</i> .	12/29/2011

Filing Requirements. Pursuant to section 1.419 of the Commission's rules, any Petitioner objecting to the dismissal of its Petition must file a letter stating its objection on or before the date indicated on the first page of this document.⁵ The letter must reference **WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208**, and may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶

- Electronic Filers: Letters may be filed electronically using the Commission's online Electronic Comment filing System (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. Because more than one docket number appears in the caption of this proceeding, filers must submit two additional copies for the additional docket 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 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.

In addition, a copy of each letter should be sent to:

Marvin F. Sacks, Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A260, Washington, DC 20554; e-mail: marvin.sacks@fcc.gov.

⁴ Verizon filed a petition for reconsideration requesting that the Commission reconsider its adoption of phantom traffic/call signaling rules on grounds that carriers like Verizon find it is not technically feasible to implement those rules in certain circumstances. Verizon Petition at 3, 8-12. Verizon, however, separately filed a petition that seeks a waiver of those rules for the same reason. Petition for Limited Waiver of Verizon, CC Docket No. 01-92, et al. (filed Feb. 10, 2012). The waiver petition is pending and would not be affected if the petition for reconsideration is dismissed here.

⁵ See 47 CFR § 1.419.

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Ex Parte Rules. The proceedings this Public Notice initiates shall be treated as “permit-but-disclose” proceedings in accordance with the Commission’s *ex parte* rules.⁷ 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 these proceedings should familiarize themselves with the Commission’s *ex parte* rules.

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), 844-432-2275 (videophone), or (202) 418-0432 (TTY).

For further information, please contact Marv Sacks, Pricing Policy Division, Wireline Competition Bureau at (202) 418-2017 or marvin.sacks@fcc.gov.

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⁷ 47 CFR §§ 1.1200 *et seq.*