



# PUBLIC NOTICE

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DA 21-153

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR DECLARATORY RULING FILED BY TECHNOLOGY CHANNEL SALES PROFESSIONALS

WC Docket No. 17-310

**Comment Date: March 15, 2021**

**Reply Comment Date: March 30, 2021**

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment on a petition for declaratory ruling filed by Technology Channel Sales Professionals (TCSP).<sup>1</sup> The *RHC Promoting Telehealth Report and Order* prohibits Rural Health Care (RHC) Program applicants and service providers from hiring consultants or other third parties that “have an ownership interest, sales commission arrangement, or other financial stake in the vendor chosen to provide the requested services . . . .”<sup>2</sup> TCSP asks the Commission to clarify the certification requirements related to this prohibition.<sup>3</sup>

Interested parties may file comments and reply comments on or before the respective dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies. Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.<sup>4</sup> All filings must

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<sup>1</sup> Petition for Expedited Declaratory Ruling Regarding the Application of 47 C.F.R. § 54.627 and 47 C.F.R. § 54.622 of The Rural Health Care Program or in the Alternative a Waiver, WC Docket 17-310 (filed Feb. 9, 2021) (Petition).

<sup>2</sup> *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335 (2019).

<sup>3</sup> *Id.* at 7414, para. 170. TCSP specifically asks the Commission to declare that: (1) the certification requirements prohibiting health care providers and service providers from hiring consultants that have a “sales commission arrangement or other financial stake” do not apply to third party consultants not involved in the design, management, or administration of the competitive bidding process, if they otherwise comply with the Commission’s fair and open competitive bidding rules; and (2) the consultation services provided by TCSP sales agents to health care providers are “charitable donations” permitted by the Commission’s rules and thus outside of the scope of the gift rule prohibitions, as provided in section 54.622; or, alternatively, the application of the rules for TCSP sales agents should be waived as such waivers will further the public interest by allowing health care providers participating in the RHC Program to continue to benefit from the services provided by TCSP sales agents at no cost. *See generally* Petition.

<sup>4</sup> *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (2020). In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission’s electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law.

reference WC Docket No. 17-310 and be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers: Parties who choose to file 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.
  - 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 45 L Street N.E., Washington, DC 20544.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), we ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.<sup>5</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 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 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 Kiara Ortiz, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-0272 or via email at [Kiara.Ortiz@fcc.gov](mailto:Kiara.Ortiz@fcc.gov).

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<sup>5</sup> 47 CFR §§ 1.1200 *et seq.*