



# PUBLIC NOTICE

Federal Communications Commission  
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DA 22-1349

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR CLARIFICATION OR, IN THE ALTERNATIVE, LIMITED WAIVER FILED BY AVEL E-CARE, LLC

WC Docket 02-60

**Comment Date: January 23, 2023**

**Reply Comment Date: February 7, 2023**

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment on a petition for clarification or, in the alternative, limited waiver filed by Avel e-Care, LLC (Avel).<sup>1</sup> Avel asks the Commission to clarify that section 54.609(b), which establishes the qualifications for serving as a leader of a consortium in the HealthCare Connect Fund (HCF) Program<sup>2</sup> “does not turn solely on a Consortium Leader’s federal tax or state organizational status, so long as the Consortium Leader functionally operates on a non-profit basis with no monetary gain.”<sup>3</sup> Alternatively, if the Commission finds the requested clarification to be inconsistent with the rule, Avel “requests a waiver of the rule to permit it to continue to serve as a Consortium Leader until the end of the terms of the existing service contracts or until a suitable replacement organization is found to serve as Consortium Leader, whichever period is shorter.”<sup>4</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>5</sup> All filings must

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<sup>1</sup> Petition for Clarification or, in the Alternative, Limited Waiver of 47 CFR § 54.609(b), WC Docket 02-60 (filed Oct. 28, 2022) (Petition).

<sup>2</sup> 47 C.F.R. § 54.609(b) (“The Consortium Leader may be the consortium itself (if it is a distinct legal entity); an eligible health care provider participating in the consortium; or a state organization, public sector (governmental) entity (including a Tribal governmental entity), or a non-profit entity that is ineligible for Healthcare Connect Fund Program support. Ineligible state organizations, public sector entities, or non-profit entities may serve as Consortium Leaders or provide consulting assistance to consortia only if they do not participate as potential service providers during the competitive bidding process. An ineligible entity that serves as the Consortium Leader must pass on the full value of any discounts, funding, or other program benefits secured to the consortium members that are eligible health care providers”).

<sup>3</sup> Petition at 1-2, 9-13, *passim*.

<sup>4</sup> *Id.*

<sup>5</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

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reference WC Docket No. 02-60 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>6</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 Bryan P. Boyle, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7924 or via email at [Bryan.Boyle@fcc.gov](mailto:Bryan.Boyle@fcc.gov).

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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.

<sup>6</sup> 47 CFR §§ 1.1200 *et seq.*