

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Federal-State Joint Board on Universal Service)	
)	CC Docket No. 96-45
Request for Review by)	
Advantage Telecommunications Corp. of)	
Action by Universal Service Administrator)	

ORDER

Adopted: March 16, 2007

Released: March 16, 2007

By the Acting Deputy Chief, Wireline Competition Bureau:

I. INTRODUCTION AND BACKGROUND

1. In this Order, we dismiss as moot the request for review of action taken by the Universal Service Administrative Company (USAC) filed by Advantage Telecommunications Corp. (Advantage).¹ Advantage requests that the Commission waive the 45-day window for it to file a corrected version of its the February 2004 FCC Form 499-Q and allow it to late-file a corrected form.

2. Advantage states that it not only filed the February 2004 FCC Form 499-Q two months late but reported annual revenues instead of quarterly.² Because the filing itself was outside the 45-day window for revisions, Advantage could not correct the reported revenues.³ USAC determined Advantage's contribution obligation based on the reported annual information and invoiced Advantage based on this obligation in July, August, and September 2004. On November 18, 2004, Advantage filed the pending request to waive the 45-day revision filing window with the Commission, arguing that the contribution obligation based on annual revenues creates a hardship. The Commission has delegated authority to the Wireline Competition Bureau (Bureau) to consider such requests for review of decisions by the Administrator.⁴

3. Contributors to the Commission's universal service mechanisms must submit to USAC quarterly Telecommunications Reporting Worksheets (FCC Form 499-Q), reporting their projected interstate and international revenue information.⁵ USAC uses this revenue information to bill the filer for

¹ Letter from EllenAnn G. Sands, Counsel for Advantage, to Marlene Dortch, Federal Communications Commission, CC Docket No. 96-45 (filed Nov. 18, 2004) (Advantage Request for Review).

² Advantage Request for Review at 1. Advantage filed the FCC Form 499-Q on April 2, 2004.

³ *Id.* See *Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 24972, para. 36 (2002) (*Interim Contribution Methodology Order*).

⁴ 47 C.F.R. § 54.722(a).

⁵ 47 C.F.R. § 54.709.

the subsequent quarter.⁶ As of 2003, filers have the opportunity to correct their quarterly filings up to 45 days after the due date of each FCC Form 499-Q filing.⁷ In addition, all filers must submit an annual Telecommunications Reporting Worksheet (FCC Form 499-A), which contains the filer's actual revenues from the previous calendar year. If filers under- or overestimated their revenue information on the FCC Form 499-Q and have paid too little or too much, the FCC Form 499-A is used to true-up universal service billings and payments.⁸

II. DISCUSSION

4. Because the true-up based on the 2005 FCC Form 499-A reconciled the contribution obligation for Advantage, we dismiss Advantage's appeal as moot. In its *Advantage True-Up Letter*, USAC confirms that the reconciliation process was completed and that adjustments resulting from this process were posted to Advantage's account.⁹

5. Further, the request for review is procedurally defective. Specifically, Advantage failed to support its factual assertions with an affidavit signed by an officer of the company or other knowledgeable individual.¹⁰ In addition, it did not indicate it had served USAC with a copy of its appeal, as required by Commission's rules.¹¹ Although we dismiss Advantage's request as moot, we could deny on procedural grounds. Contributors are on notice that we may deny future appeals for procedural defects.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that Advantage Telecommunications Corp.'s Request for Review IS DISMISSED as moot.

⁶ *Interim Contribution Methodology Order*, 17 FCC Rcd at 24969, para. 29.

⁷ *Id.* at 24972, para. 36.

⁸ *Id.*

⁹ See *Advantage True-Up Letter* at 2. In the letter, USAC states that Advantage's actual revenues for calendar year 2004 were less than what it reported in its quarterly filings so USAC credited Advantage's account in 2005.

¹⁰ See 47 C.F.R. § 54.721(c). By letter, we advised Advantage that its request was procedurally defective and requested that it file an amended appeal. See Letter from Cathy Carpino, Federal Communications Commission, to EllenAnn G. Sands, Counsel for Advantage, dated Jan. 27, 2006. The letter also advised that the request for review were not formatted properly. *Id.*; see 47 C.F.R. § 54.721(a). The petitioner did not respond to our request.

¹¹ See 47 C.F.R. §§ 1.49, 54.721(b)(2).

7. IT IS FURTHER ORDERED that, pursuant to authority delegated under sections 0.91, 0.291 and 1.102 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Renée R. Crittendon
Acting Deputy Chief
Wireline Competition Bureau

APPENDIX A



March 8, 2007

Via Electronic Mail

Carol Pomponio, Esquire
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Status of 2004 Annual Revenue Reconciliation for Advantage Telecommunications Corp. (Filer ID 823828)

Dear Ms. Pomponio:

This letter is in response to your request for confirmation of whether USAC has performed the annual reconciliation process reconciling Advantage Telecommunications Corp. (Advantage) actual 2004 revenue. USAC has completed this process and the following is a summary of the events related to this matter.

The February 2004 FCC Form 499-Q (February 499-Q) had a due date of February 2, 2004 and an FCC-established 45-day revision deadline of March 18, 2004. Because Advantage did not timely file an original February 499-Q (projecting second quarter 2004 revenue), USAC, as required by FCC rules,¹ relied on revenue previously provided by Advantage to estimate Advantage's second quarter 2004 projected collected revenue, and relied on this estimate in order to calculate billings that posted to Advantage's April, May and June 2004 invoices.

On April 6, 2004, Advantage submitted its February 499-Q, which resulted in adjustments being posted to Advantage's July, August and September 2004 invoices. The last of these adjustments posted to Advantage's September 2004 invoice, which was mailed on September 22, 2004. On November 17, 2004, Advantage appealed to the FCC and requested waiver of the FCC Form 499-Q 45-day revision deadline.

The annual reconciliation process compares and reconciles annual revenue reported on FCC Form 499-A with projected collected quarterly revenue reported on previously filed FCC Form 499-Qs for the period covered by the Form 499-A. Advantage filed a 2005 FCC Form 499-A reporting annual 2004 revenue on March 29, 2005. The 2005 Form 499-A reconciled the projected collected quarterly revenue reported on FCC Form 499-Qs for: November 2003 (reporting first quarter 2004 revenue), February 2004 (reporting

¹ See 47 C.F.R. § 54.709 (d). USAC is required to estimate revenue for carriers that fail to file the required worksheets and to bill those carriers based on the estimated revenue.

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second quarter 2004 revenue), May 2004 (reporting third quarter 2004 revenue), and August 2004 (reporting fourth quarter 2004 revenue).

Credits resulting from the annual reconciliation process were posted to Advantage's account during the months of July, August, and September 2005. USAC has completed the 2004 annual revenue reconciliation for the Filer ID listed above.

Sincerely,

USAC