

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review by 360networks (USA), Inc.,)	CC Docket No. 96-45
of Decision of Universal Service Administrator)	

ORDER

Adopted: April 23, 2008

Released: April 23, 2008

By the Chief, Wireline Competition Bureau:

1. In this order, we address an appeal of a Universal Service Administrative Company's (USAC or the Administrator) decision filed by 360networks (USA), Inc. (360networks).¹ In its appeal, 360networks seeks refund of late payment fees charged by USAC.² As discussed below, USAC has reversed all applicable late payment fees at issue.³ We therefore dismiss as moot 360networks' Request for Review.

2. In September 2004, 360networks filed an appeal with USAC requesting revision of its second quarter 2004 universal service contribution invoices, asserting the invoices were inflated because of an illegible FCC Form 499-Q submitted by 360networks.⁴ On December 30, 2004, USAC granted 360networks' appeal, and determined it "appropriate to revise and correct 360networks' account."⁵ The revisions were to be reflected on 360networks' January 2005 invoice.⁶ On May 3, 2005, 360networks filed an appeal with the Commission seeking return of late fees associated with the illegible FCC Form 499-Q.⁷

3. USAC has advised the Commission, however, that since 360networks' appeal was filed, USAC has "revised 360networks' second quarter 2004 billings and has reversed all applicable late

¹ Letter from Joseph M. Michaud, 360networks (USA), Inc., to the Federal Communications Commission, CC Docket No. 96-45 (filed May 5, 2005) (Request for Review). We note that a second appeal pending before the Commission will be resolved in a separate order. *See* Letter from Tia Zhai, 360networks (USA2) LP, to the Federal Communications Commission, CC Docket No. 96-45 (filed May 11, 2005). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R § 54.719(c).

² Request for Review at 1.

³ *See* Letter from USAC to Belinda Nixon, Federal Communications Commission (dated Oct. 2, 2006) (USAC Letter). USAC states, "Credits revising second quarter billings and reversing applicable late payment fees were posted to 360networks' account during the months of January, February, and May 2005." *Id.* at 2.

⁴ *See* Letter from USAC to Joseph M. Michaud, 360networks (USA), Inc. at 1 (dated Dec. 30, 2004) (Administrator's Decision on Contributor Appeal).

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *See* Request for Review at 1.

payment fees.”⁸ Based on this information, we find that 360networks’ concerns have been addressed and the appeal is moot.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), the Request for Review filed by 360networks (USA) Inc. on May 3, 2005, IS DISMISSED AS MOOT.

5. 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, and 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer
Chief
Wireline Competition Bureau

⁸ See USAC Letter at 1.