



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON PETITION OF THE AD HOC COALITION OF INTERNATIONAL TELECOMMUNICATIONS COMPANIES FOR DECLARATORY RULING REGARDING UNIVERSAL SERVICE FUND CONTRIBUTIONS

WC Docket No. 06-122

Comment Date: June 8, 2009

Reply Comment Date: June 22, 2009

On February 12, 2009, the Ad Hoc Coalition of International Telecommunications Companies (Coalition) filed a petition for declaratory ruling.¹ First, the Coalition requests that the Commission issue a declaratory ruling finding that *de minimis* universal service fund contributors may choose either: (a) to have their underlying carrier pass through universal service fund surcharges; or (b) to pay universal service fund contributions directly.² Second, the Coalition requests that the Commission issue a declaratory ruling finding that distributor revenues are not end-user revenues and allowing prepaid calling card providers to report actual receipts from distributors rather than “face value” receipts.³ Specifically, the Coalition argues that the Universal Service Administrative Company has, contrary to Commission rules, required carriers to report distributor revenues as end-user revenues, and, contrary to generally accepted accounting principles, warned carriers not to reduce revenues for discounts provided to distributors or retail establishments.⁴ In the alternative, the Coalition requests that the Commission initiate a rulemaking proceeding to further evaluate and address the issues raised in the Petition.⁵

¹ Ad Hoc Coalition of International Telecommunications Companies, Petition for Declaratory Rulings That: (1) Qualifying Downstream Carriers May Choose Either to Accept Supplier Pass-Through Surcharges or Pay Universal Service Fees Directly; and (2) Prepaid Calling Card Providers’ Distributor Revenues are Not “End-User” Revenues and Allowing Reporting of Actual Receipts Only; or In the Alternative, to Initiate a Rulemaking to Address These Issues, WC Docket No. 06-122 (filed Feb. 12, 2009) (Petition).

² See Petition at 2.

³ *Id.* at 11-12.

⁴ *Id.*

⁵ *Id.* at 15.

Interested parties may file **comments on or before June 8, 2009**, and **reply comments on or before June 22, 2009**. All pleadings are to reference **WC Docket No. 06-122**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁶

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking 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 (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

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), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Carol Pomponio, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C408, Washington, D.C. 20554; e-mail: Carol.Pomponio@fcc.gov; and

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: Antoinette.Stevens@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁸ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁹

For further information, please contact Carol Pomponio, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁷ 47 C.F.R. §§ 1.1200 *et seq.*

⁸ *See* 47 C.F.R. § 1.1206(b)(2).

⁹ 47 C.F.R. § 1.1206(b).