



# PUBLIC NOTICE

Federal Communications Commission  
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## COMMENT SOUGHT ON ASCENT MEDIA GROUP PETITION FOR RECONSIDERATION OF THE WIRELINE COMPETITION BUREAU'S ORDER DISMISSING ASCENT'S REQUEST FOR REVIEW OF A USAC DECISION

WC Docket No. 06-122

**Comment Date: April 20, 2009**  
**Reply Comment Date: May 5, 2009**

On January 14, 2009, Ascent Media Group (Ascent) filed an application for review of the Wireline Competition Bureau's (Bureau) order released on December 15, 2008, dismissing as moot Ascent's request for review of the decision of the Universal Service Administrative Company (USAC) concerning waiver of the FCC Form 499-Q filing deadline, and denying Ascent's request for waiver of late payment charges based on that filing.<sup>1</sup> Ascent argues in its petition that the contribution obligations assessed against it violate section 254 of the Communications Act of 1934, as amended; that precedent exists to waive the FCC Form 499-A filing deadline; and Ascent's failure to pay its universal service contribution obligations did not negatively impact the fund.<sup>2</sup> Ascent requests that the Commission reconsider and reverse the Bureau's order, and cancel the late payment penalties associated with its August 2007 FCC Form 499-Q filing.<sup>3</sup>

Interested parties may file **comments on or before April 20, 2009**, and **reply comments on or before May 5, 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.<sup>4</sup>

- 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.

<sup>1</sup> See *Ascent Media Group Petition for Reconsideration*, CC Docket No. 06-122 (filed Jan. 14, 2009) (Ascent Petition); see also *Universal Service Contribution Methodology Requests for Waiver of Decisions of the Universal Service Administrator by Achieve Telecom Network of Massachusetts, LLC, et al.*, CC Docket No. 06-122, Order, 23 FCC Rcd 17903 (Wireline Comp. Bur. 2008) (*Achieve Order*).

<sup>2</sup> See generally Ascent Petition; see also 47 U.S.C. § 254(d).

<sup>3</sup> See Ascent Petition at 13. USAC's annual true-up, based on Ascent's FCC Form 499-A, which was filed in April 2008, has already reconciled Ascent's contribution obligation. See *Achieve Order*, para. 5.

<sup>4</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- 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](mailto: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](mailto: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.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Cindy Spiers, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A340, Washington, D.C. 20554; e-mail: [Cindy.Spiers@fcc.gov](mailto:Cindy.Spiers@fcc.gov); and
- (3) David Duarte, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A422, Washington, D.C. 20554; e-mail: [David.Duarte@fcc.gov](mailto:David.Duarte@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](http://www.bcpweb.com).

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

For further information, please contact Cindy Spiers, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-1593 or TTY (202) 418-0484.

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<sup>5</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>6</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>7</sup> 47 C.F.R. § 1.1206(b).