

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

In the Matter of)	
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122
)	
Request for Review by inContact, Inc. of a)	
Decision by Universal Service Administrator)	

ORDER

Adopted: May 7, 2010

Released: May 7, 2010

By the Acting Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we deny as procedurally defective a request for review of a decision by the Universal Service Administrative Company (USAC) filed by inContact, Inc. (inContact).¹ We also deny as moot inContact's request for waiver.²

2. Pursuant to the Commission's rules, requests for review of USAC decisions must be filed with the Commission within sixty days of the decision.³ inContact seeks review of a January 23, 2009 invoice from USAC.⁴ Because the USAC decision was made on January 23, 2009, inContact was required to file a request for review by March 24, 2009. inContact, however, did not file its appeal until April 13, 2009, more than 20 days late.

3. inContact also requests "a waiver of the rules requiring contributors to first dispute USAC's assessments with USAC."⁵ inContact is incorrect in stating that parties seeking redress from USAC decisions must file an appeal with USAC before coming to the Commission. Pursuant to the Commission's rules, parties may seek review of USAC decisions with either USAC or the Commission, but there is no requirement that parties first go to USAC before requesting review from the Commission.⁶ As such, we deny as moot inContact's request for waiver.

4. ACCORDINGLY, IT IS ORDERED, pursuant to sections 0.91, 0.204(b), 0.291, 54.720, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 54.720, and 54.722(a), that the request for review of the decision by the Universal Service Administrative Company filed by inContact, Inc. IS DENIED.

5. IT IS FURTHER ORDERED, pursuant to sections 0.91, 0.204(b), 0.291, 1.3, 54.720, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 54.720, and 54.722(a), that the request for waiver IS DISMISSED as moot.

¹ Petition for Special Relief and Waiver by inContact, Inc. of a Decision of Universal Service Administrator (filed Apr. 13, 2009) (Request for Review). Although inContact frames its filing as a petition for special relief and waiver, the petition is actually a request for review of an action taken by USAC pursuant to sections 54.719 through 54.725 of the Commission's rules. See 47 C.F.R. §§ 54.719–54.725.

² Request for Review at 16.

³ 47 C.F.R. § 54.720(a).

⁴ Request for Review at 4.

⁵ *Id.* at 16.

⁶ 47 C.F.R. § 54.720.

6. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. §1.102(b)(1), that this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Jennifer K. McKee
Acting Chief
Telecommunications Access Policy Division
Wireline Competition Bureau