

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

In the Matter of)	
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122
)	
Dorial Telecom, LLC Request for Review of a)	
Decision of the Universal Service Administrator)	

ORDER

Adopted: March 15, 2011

Released: March 15, 2011

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

1. In this order, we dismiss as procedurally defective Dorial Telecom, LLC (Dorial)'s request for review.¹ In its request, Dorial states that it incorrectly reported revenues on its quarterly Telecommunications Reporting Worksheets for the first and second quarters of 2009. The Universal Service Administrative Company (USAC) billed Dorial for universal service fund contributions based on the incorrectly reported amounts. Dorial refused to pay the invoices, and was subsequently assessed interest on the outstanding payments.² In the request for review, Dorial asks the Commission to cancel this interest.³

2. We find that Dorial's request for review is procedurally defective. The Commission's rules require requests for review of USAC decisions to contain a "full statement of relevant, material facts with supporting affidavits and documentation,"⁴ and that a copy of such requests for review be served on USAC consistent with the requirements for service of documents in the Commission's rules.⁵ Contributors have been on notice since at least the *Advantage Order* that we enforce these requirements and may deny appeals that are procedurally defective.⁶ Dorial failed to support its factual assertions with an affidavit signed by an officer of the company or other knowledgeable individual, and failed to serve USAC with a copy of the request for review.

3. We also find that Dorial's request is untimely. The Commission's rules require requests for review of USAC decisions to be filed within 60 days of the issuance of the decision.⁷ Dorial appealed the invoices at issue to USAC on November 24, 2009, and USAC addressed Dorial's appeal on May 18, 2010. In its ruling, USAC described its "pay-and-dispute" policy in detail, stated that it will not waive

¹ Request for Cancellation of Interest Assessed on Erroneously Reported Revenues on Form First and Second Fiscal Quarter Form 499-Qs for 2009 by Dorial Telecom, LLC, WC Docket No. 06-122 (filed Dec. 15, 2010) (Dorial Request for Review). The Commission has delegated authority to the Wireline Competition Bureau (Bureau) to consider requests for review of decisions by USAC. 47 C.F.R. § 54.722(a).

² Dorial Request for Review at 5-7, 9.

³ *Id.* at 2.

⁴ 47 C.F.R. § 54.721(b)(2).

⁵ 47 C.F.R. § 54.721(c).

⁶ *Federal-State Joint Board on Universal Service; Request for Review by Advantage Telecommunications Corp. of Action by Universal Service Administrator*, CC Docket No. 96-45, Order, 22 FCC Rcd 5088, 5089, para. 5 (Wireline Comp. Bur. 2007) ("Contributors are on notice that we may deny future appeals for procedural defects.").

⁷ 47 C.F.R. § 54.720(a).

late payment penalties unless the payment dispute is determined to be the result of a USAC error, and noted that Dorial had accumulated late payment penalties because it had not paid its full contribution obligation.⁸ Thus, contrary to Dorial's claim that the application of interest to the outstanding balances "was not addressed" in the May 2010 decision,⁹ USAC ruled on the interest issue on May 18, 2010 and any appeal should have been filed within 60 days of that date, or by July 2010. Dorial did not file the instant request for review until December 2010, well after the 60-day deadline.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 4(i) and 254(d) of the Communications Act, 47 U.S.C. §§ 4(i), 254(d), and the authority delegated by sections 0.91, 0.291, and 54.722 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722, the request for review filed by Dorial Telecom, LLC on December 15, 2010 IS DISMISSED WITH PREJUDICE.

5. IT IS FURTHER ORDERED that this order SHALL BE transmitted to the Universal Service Administrative Company.

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

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁸ See Letter from USAC to Jose L. Solana, Counsel for Dorial Telecom, LLC, at 4-5 (dated Nov. 24, 2009).

⁹ Dorial Request for Review at 2 n. 1.