

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

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

ORDER

Adopted: April 21, 2011

Released: April 21, 2011

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

1. In this order, we dismiss as procedurally defective a request for review filed by Alternative Phone, Inc. (Alternative Phone) on March 17, 2011.¹ Alternative Phone states that it overstated its projected interstate and international revenues on its May 2010 FCC Form 499-Q. Alternative Phone attempted to file a revised FCC Form 499-Q, but the Universal Service Administrative Company (USAC) rejected the filing because it was not filed within 45 days of the original filing due date.² USAC billed Alternative Phone for universal service fund monthly contributions based on the reported projected revenues. Alternative Phone did not pay the invoice generated as a result of its May 2010 FCC Form 499-Q, and now seeks review and waiver of the associated late filing fees. In the alternative, Alternative Phone requests waiver of the 45-day revision window.

2. We find that Alternative Phone's request is procedurally defective. The Commission's rules require that requests for review of USAC decisions contain a "full statement of relevant, material facts with supporting affidavits and documentation," and a "question presented for review, with reference, where appropriate, to the relevant Federal Communications Commission rule, Commission order, or statutory provision."³ In addition, a copy of such request for review must be served on USAC consistent with the requirements for service of documents in the Commission's rules.⁴ Contributors have been on notice since at least the *Advantage Order* that we enforce these requirements and may deny appeals that are procedurally defective.⁵ Alternative Phone failed to support its factual assertions with an affidavit signed by an officer of the company or other knowledgeable individual; failed to reference any Commission rule, order, or appropriate statutory provision in support of its request for review and waiver; and did not indicate it had served USAC with a copy of the request. We, therefore, dismiss without prejudice Alternative Phone's request as procedurally defective.

¹ Letter from Robert Hipke, Alternative Phone, Inc., to Office of the Secretary, FCC, WC Docket No. 06-122 (filed Mar. 17, 2011).

² *Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 24972, para. 36 (2002).

³ 47 C.F.R. § 54.721(b).

⁴ 47 C.F.R. § 54.721(c).

⁵ *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.").

3. 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, 54.722, the request filed by Alternative Phone, Inc. on March 17, 2011, IS DISMISSED WITHOUT PREJUDICE.

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

5. 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