

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

In the Matter of	)	
	)	
Universal Service Contribution Methodology	)	WC Docket No. 06-122
	)	
CML Communications LLC Request for Review	)	
of a Decision of the Universal Service	)	
Administrator and Request for Waiver	)	

**ORDER**

**Adopted: January 14, 2011**

**Released: January 14, 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 CML Communications LLC (CML) on November 1, 2010.<sup>1</sup> CML states it failed to file its annual Telecommunications Reporting Worksheet, and now seeks review and waiver of the associated late fees. In the alternative, CML asks us to waive at least a portion of the late fees and allow it to pay the remaining balance over time.

2. We find that CML’s request is procedurally defective. Our rules require requests for review of decisions of the Universal Service Administrative Company (USAC) to contain a “full statement of relevant, material facts with supporting affidavits and documentation.”<sup>2</sup> Contributors have been on notice since at least the *Advantage Order* that we enforce these requirements and may deny appeals that are procedurally defective.<sup>3</sup> CML’s cursory statement that it misunderstood its obligations and therefore did not file the annual worksheet on time cannot be said to be a “full statement” of the facts.<sup>4</sup> Furthermore, CML failed to support its factual assertions with an affidavit signed by an officer of the company or other knowledgeable individual. As such, we have insufficient basis to take any action on CML’s request other than to dismiss its request without prejudice as procedurally defective.

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 section 54.722 of the Commission’s rules, 47 C.F.R. § 54.722, the request filed by CML Communications LLC on November 1, 2010 IS DISMISSED WITHOUT PREJUDICE.

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

<sup>1</sup> Letter from Dao V. Pham, CML Communications LLC, to Office of the Secretary, FCC, WC Docket No. 06-122 (filed Nov. 1, 2010) (CML Request for Review).

<sup>2</sup> 47 C.F.R. § 54.721(b)(2).

<sup>3</sup> *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.”).

<sup>4</sup> See CML Request for Review at 1–2.

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