

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

In the Matter of)	
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122
)	
Digital Compass Telecom, LLC Request for Waiver)	

ORDER

Adopted: October 16, 2012

Released: October 16, 2012

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

1. In this order, we deny a request for waiver filed by Digital Compass Telecom, LLC (Digital).¹ Digital states that it inadvertently overstated projected revenues on its Form 499-Q filings, and seeks a waiver of its universal service fund contribution obligations until December 2012.²

2. We conclude that Digital has failed to demonstrate that there is good cause to waive the applicable sections of the Commission's rules.³ Generally, the Commission's rules may be waived if good cause is shown.⁴ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁵ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁶ Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁷ We find that there is no evidence to support Digital's request for waiver. Businesses have a responsibility to familiarize themselves with applicable rules and regulations.⁸ Digital's statements are merely cursory,⁹ and it has not presented specific information as to the rule(s) for which it seeks waiver, the reason that such waiver would be appropriate, the special circumstances that warrant a deviation from the general rule, nor why such deviation would serve the public interest. Accordingly, we deny Digital's request for waiver.

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,

¹ Letter from Dodi Kawouk, President, Digital Compass Telecom, LLC, to Office of the Secretary, FCC, WC Docket No. 06-122 (filed Sept. 20, 2012) (Petition).

² *Id.*

³ See 47 C.F.R. §§ 54.706, 54.711(a).

⁴ 47 C.F.R. § 1.3.

⁵ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁶ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁷ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

⁸ See 47 C.F.R. §0.406.

⁹ Digital alleges that its error was due to "ambiguity in the filing instructions for Forms 499-Q and 499-A, and the inadequate information on the various line items for each form." Petition at 1.

0.204(b), 0.291, and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.204(b), 0.291, and 1.3, the request for waiver filed by Digital Compass Telecom, LLC on September 20, 2012, IS DENIED.

4. 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