



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 13-1765

Release Date: August 15, 2013

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PEERLESS NETWORKS, INC.
EMERGENCY REQUEST FOR REVIEW OF A DECISION BY THE UNIVERSAL SERVICE
ADMINISTRATIVE COMPANY AND REQUEST FOR WAIVER OF DEADLINE FOR FILING
REVISIONS TO FCC FORM 499-Q**

WC Docket No. 06-122

Comment Date: September 16, 2013

Reply Comment Date: October 1, 2013

The Wireline Competition Bureau seeks comment on a request filed by Peerless Networks, Inc. (Peerless).¹ Peerless seeks expedited review of a decision by the Universal Service Administrative Company (USAC) that denied Peerless' request to revise its February and May 2013 FCC Forms 499-Q outside the 45-day filing deadline for revising those forms.² Peerless asks the Commission to waive the 45-day filing deadline for its February and May 2013 FCC Forms 499-Q and direct USAC to accept its revised forms.³

Pursuant to sections 1.415 and 1.419 of the Commission's rules,⁴ interested parties may file **comments on or before September 16, 2013 and reply comments on or before October 1, 2013**. All pleadings are to reference **WC Docket 06-122**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

¹ Emergency Request for Review of a Decision by the Universal Service Administrator and Request for Waiver of Deadline for Filing Revisions to FCC Form 499-Q by Peerless Networks, Inc., WC Docket 06-122 (filed Aug. 8, 2013).

² Contributors have the opportunity to correct their quarterly filings up to 45 days after the due date of each FCC Form 499-Q filing. *Federal-State Joint Board on Universal Service et al.*, CC Docket Nos. 96-45 et al., Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952,24972, para. 36 (2002); 2012 FCC Form 499-Q Telecommunications Reporting Worksheet Instructions at 9, 20.

³ *Id.* at 1-2.

⁴ 47 C.F.R. §§ 1.415, 1.419.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional Copies. In addition, we request that you send one copy of each pleading to each of the following:

- Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B432, Washington, D.C. 20554; e-mail: Erica.Myers@fcc.gov; and
- Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@fcc.gov.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Erica Myers, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484, or Erica.Myers@fcc.gov.