

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

In the Matter of)	
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122
)	
Petition for Declaratory Ruling of CTIA – The Wireless Association on Universal Service Contribution Obligations)	
)	
Petition for Declaratory Ruling of Cingular Wireless, LLC)	
)	

DECLARATORY ORDER

Adopted: December 26, 2007

Released: January 24, 2008

By the Commission:

I. INTRODUCTION

1. In this Declaratory Order (Order), we address petitions filed by CTIA-The Wireless Association (CTIA) and Cingular Wireless, LLC, seeking clarification of the definition of “toll services” for purposes of determining contribution obligations to the federal universal service fund (USF or Fund).¹ We grant both petitions to the extent that they ask the Commission to declare that the definition of “toll services” discussed in the *2006 Contribution Methodology Order* is the definition to be used on the FCC Form 499 for reporting the revenues derived from toll service charges.² We also address CTIA’s request to clarify how wireless carriers should allocate toll service revenues to the interstate and international jurisdiction. In particular, we clarify that, to the extent a Fund contributor (including wireless and interconnected Voice over Internet Protocol (VoIP) providers) uses a traffic study or studies to determine its contribution obligations, such traffic study or studies must specifically account for the interstate or international nature of toll service revenues.

¹ *Universal Service Contribution Methodology*, WC Docket No. 06-122, Petition for Declaratory Ruling of CTIA-The Wireless Association on Universal Service Contribution Obligations (filed Aug. 1, 2006) (*CTIA Petition*); Petition for Declaratory Ruling of Cingular Wireless LLC (filed Aug. 8, 2006) (*Cingular Wireless Petition*). On January 3, 2007, Cingular Wireless, LLC, changed its name to AT&T Mobility, LLC. See Cingular Wireless, LLC SEC Form 8-K (filed Jan. 9, 2007) available at <http://www.sec.gov/Archives/edgar/data/1130452/000095014407000181/g05017e8vk.htm> (last visited Jan. 2, 2008). Because the Cingular Wireless Petition was filed in the name of Cingular Wireless, LLC, we continue to refer to the company as Cingular in this Order.

² See *Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service*, WC Docket No. 06-122, 04-36, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Report and Order and Notice of Proposed Rulemaking, 21 FCC Red 7518, 7535, para. 29 (2006) (*2006 Contribution Methodology Order*). The Commission requires contributors to report their end user telecommunications revenues on a quarterly basis (FCC Form 499-Q) and on an annual basis (FCC Form 499-A). See 47 C.F.R. § 54.711(a).

II. BACKGROUND

2. Universal service represents a key component of communications policy. The statutory framework established by Congress in the Telecommunications Act of 1996 (1996 Act) governs the assessment of contributions to the Fund.³ Section 254(b) of the Act instructs the Commission to establish universal service support mechanisms with the goal of ensuring the delivery of affordable telecommunications services to all Americans.⁴ Section 254(b) also provides that Commission policy on universal service shall be based, in part, on the principles that contributions should be equitable and nondiscriminatory, and support mechanisms should be specific, predictable, and sufficient.⁵ Section 254(d) of the Act mandates that “[e]very telecommunications carrier that provides interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service.”⁶ Section 254(d) also vests the Commission with the permissive authority to require “[a]ny other provider of interstate telecommunications . . . to contribute to the preservation and advancement of universal service if the public interest so requires.”⁷

3. In 1997, in the *Universal Service First Report and Order*, the Commission determined to assess universal service contributions based on end user telecommunications revenues.⁸ The Commission concluded that the revenues approach would be: (1) competitively neutral; (2) easy to administer; and (3) explicit.⁹ In the *Second Order on Reconsideration*, the Commission set forth the specific methodology for contributors to use to compute their USF contributions.¹⁰ In 1998, in response to wireless carriers’

³ Telecommunications Act of 1996, Pub.L.No. 104-104, 110 Stat. 56 (1996) (1996 Act). The 1996 Act amended the Communications Act of 1934 (the Act). See 47 U.S.C. §§ 151, *et seq.*

⁴ 47 U.S.C. § 254(b).

⁵ 47 U.S.C. §§ 254(b)(4), (5). The Commission adopted the additional principle that federal support mechanisms should be competitively neutral, neither unfairly advantaging nor disadvantaging particular service providers or technologies. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8801-03, paras. 46-51 (1997) (*Universal Service First Report and Order*) (subsequent history omitted).

⁶ 47 U.S.C. § 254(d).

⁷ *Id.*

⁸ See *Universal Service First Report and Order*, 12 FCC Rcd at 9206-07, paras. 843-44; *Federal-State Joint Board on Universal Service, Access Charge Reform*, Sixteenth Order on Reconsideration and Eighth Report and Order in CC Docket No. 96-45 and Sixth Report and Order in CC Docket No. 96-262, 15 FCC Rcd 1679, 1685, para. 15 (1999) (*establishing* a single contribution methodology for all universal service support mechanisms based on interstate and international revenues in response to the 5th Circuit’s decision in *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999), *cert. denied*, 530 U.S. 1210).

⁹ *Universal Service First Report and Order*, 12 FCC Rcd at 9206, 9211, paras. 843, 854.

¹⁰ See *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 97-21, Report and Order and Second Order on Reconsideration, 12 FCC Rcd 18400 (1997) (*Second Order on Reconsideration*); see also *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45, 97-21, Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking, 12 FCC Rcd 12444 (1997) (*concluding* that, on an interim basis contributors, including wireless carriers, that cannot derive interstate revenues from their books of account or that cannot derive the line-by-line

(continued....)

concerns about the difficulties of distinguishing between interstate and intrastate revenues, the Commission permitted those carriers to rely on an interim “safe harbor” percentage.¹¹ At the same time, the Commission allowed wireless carriers to report a different percentage so long as the carriers could document the method used to calculate their reported percentages of interstate revenues.¹² Of particular note, the Commission permitted wireless providers to use traffic studies as a proxy for calculating their actual interstate and international revenues.¹³ In June 2006, when the Commission extended USF contribution obligations to interconnected VoIP providers, it also permitted such providers to use traffic studies to estimate their interstate and international revenues.¹⁴

4. On August 1, 2006, CTIA filed a petition raising concerns regarding the allocation of toll revenue when a wireless provider uses a company-specific traffic study to report interstate and international revenue.¹⁵ On August 8, 2006, Cingular filed a similar petition requesting clarification regarding the allocation of toll revenue when a wireless provider has opted to utilize a safe harbor.¹⁶ CTIA asserts that the Commission has consistently indicated that a provider that avails itself of the traffic study method to report end-user telecommunications revenues could apply this method to all end-user telecommunications revenues, including toll revenues, and asks the Commission to clarify how wireless carriers should properly report toll revenue.¹⁷ To assist wireless carriers in reporting toll revenue, both CTIA and Cingular seek guidance on the definition of “toll revenues,” and CTIA asks the Commission to declare that the definition of “toll revenue” discussed in paragraph 29 of the *2006 Contribution Methodology Order* is the proper definition for purposes of reporting separately stated toll revenue on FCC Form 499.¹⁸ In that regard, CTIA asks the Commission to declare that toll revenue does not include either: (1) revenue associated with plans that give end users fixed amounts of minutes which can be used either for local or long distance service; or (2) per-minute airtime charges that are the same for local or

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revenue breakdowns from their books of account may provide on the Worksheet good faith estimates of these figures).

¹¹ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21258, para. 11 (1998) (*stating* that wireless carriers that choose to avail themselves of the safe harbor percentages could assume that the Commission would not find it necessary to review or question the data underlying their reported percentages) (*Safe Harbor Order*).

¹² *Id.* (*noting* that the Commission retained its authority to require carriers that reported interstate revenues below the safe harbors, perhaps using traffic studies, to document the method by which they arrived at their reported percentage of interstate telecommunications revenues).

¹³ *Id.*

¹⁴ *2006 Contribution Methodology Order*, 13 FCC Rcd. at 7547, para. 57.

¹⁵ *CTIA Petition* at 3.

¹⁶ *Cingular Wireless Petition* at 1-2. CTIA also requested clarification regarding the allocation of toll revenue when a wireless provider uses the interim wireless safe harbor to report revenues. *CTIA Petition* at 7-9. We do not reach the safe harbor issue in this Order.

¹⁷ See *CTIA Petition* at 5-12; see also Qwest Comments at 2.

¹⁸ See *CTIA Petition* at 5-12; see also *Cingular Wireless Petition* at 11-12.

long distance calls.¹⁹ Finally, CTIA asks that, to the extent the Commission provides clarification in these areas, those clarifications apply prospectively only.²⁰

III. DISCUSSION

5. In this Order, we address the manner in which Fund contributors, including wireless and interconnected VoIP providers, must report on FCC Form 499 revenues that they obtain from toll services.²¹ First, we reiterate that, for universal service purposes, “[t]oll services are telecommunications services that enable customers to communicate outside of their local exchange calling areas,” and that, for wireless providers, this means outside the customer’s plan-defined home calling area.²² Second, we find that those contributors reporting revenues based on traffic studies must report all revenues associated with interstate or international toll service calls for which there is a separate charge on an end user’s bill as interstate or international toll service revenues when submitting their Telecommunications Reporting Worksheets (FCC Forms 499-A and 499-Q). In this respect, and as explained more fully below, we find that wireless providers and interconnected VoIP providers that report revenue based on a traffic study or studies must account for toll service traffic that is assessed an additional charge(s) in a manner that reflects accurately both the jurisdiction of this traffic and the associated revenue.

A. Toll Service Revenue

6. We agree with CTIA that, as we explained in the *2006 Contribution Methodology Order*, toll services are “telecommunications services that enable customers to communicate outside of their local exchange calling areas.”²³ Toll service revenues are, in turn, revenues resulting from the provision of telecommunications services that enable customers to communicate outside of their local exchange calling areas. In applying this definition to wireless carriers, the Commission indicated that certain wireless revenues fall within the definition of toll service revenues. In particular, the Commission stated:

Many wireless telephony customers subscribe to plans that give them fixed amounts of minutes which can be used for either local or long distance service. Other wireless telephony customers, however, pay by the minute for some or all calls. For long distance service, the charge is often made up of an air time charge that is the same for local and long distance calls, and an additional toll charge that applies only to long distance calls. For some wireless telephony providers, toll service revenue includes these additional charges for intrastate, interstate, and international toll calls.²⁴

¹⁹ *CTIA Petition*, at 5.

²⁰ *Id.* at 14.

²¹ Although the *CTIA Petition* only seeks a declaratory order in the wireless context, because both wireless and interconnected VoIP providers may utilize a traffic study or studies to report interstate and international revenues, we address in this Order the Commission’s reporting requirements for any Fund contributor that permissibly uses a traffic study to report USF revenues.

²² *2006 Contribution Methodology Order*, 21 FCC Rcd at 7534, para. 29; *see, e.g., Cingular Wireless Petition* at 11-12, 23-24; *CTIA Petition* at 3-5; T-Mobile Comments at 2; USCC Comments at 4-5.

²³ *2006 Contribution Methodology Order*, 21 FCC Rcd at 7534, para. 29.

²⁴ *Id.*

7. Cingular asserts that the Commission never previously provided clear guidance as to precisely what revenue falls into the category of wireless toll revenue.²⁵ Cingular also claims that the concept of a local exchange calling area does not translate into commercial mobile radio service (CMRS) networks.²⁶ CTIA similarly asserts that the *2006 Contribution Methodology Order* is not only the first Commission-level universal service contribution order to define “toll traffic,” but the first Commission-level order to define toll traffic in the CMRS context.²⁷ CTIA further asserts that the *2006 Contribution Methodology Order* suggests that “toll charges, in the wireless context, are additional charges for ‘long distance’ calls (that is, calls outside of the customer’s home calling area, as defined in the customer’s plan), distinct from any itemized airtime charges that may apply and also distinct from roaming (whether on-network or off-network).”²⁸ Both Cingular and CTIA urge the Commission to clarify that the definition of toll services set forth in the *2006 Contribution Methodology Order* is the definition the Commission will apply and that contributors must use in reporting toll service revenues on the FCC Form 499.

8. We grant petitioners request for clarification and state that the definition of toll services set forth in paragraph 29 of the *2006 Contribution Methodology Order* is the definition that contributors must use to report toll services revenues on their FCC Form 499s.²⁹ Regarding petitioners’ complaint that this definition of “toll service” is difficult to apply to wireless services, we acknowledge that the definition includes a term, “local exchange calling area,” typically associated with wireline networks, but we think petitioners overstate the case. In common usage a “toll” is a separate charge for use of a service or access to infrastructure, such as a toll road or bridge, or “a charge for a long distance telephone call.”³⁰ Moreover, since 1934, the Act’s definition of “telephone toll traffic” has included the concept of “a separate charge.”³¹ And although wireless service is not typically described in terms of “local exchange areas,” we note that wireless providers have long crafted calling plans for consumers that feature a separate charge for calls made outside of a plan-defined home calling area.³² In this respect, providers have demonstrated that their billing systems can and do segregate and separately track revenues associated with calls that fall outside of a subscriber’s plan, in terms of minutes used (overages), calls

²⁵ See *Cingular Wireless Petition* at 12; see also T-Mobile Comments at 2.

²⁶ See *Cingular Wireless Petition* at 11-12.

²⁷ See *CTIA Petition* at 4.

²⁸ We note that the term “home calling area” is used generally by wireless carriers to denote the plan-defined area in which a subscriber may make calls and incur no additional charges beyond the plan-specific per month charge, assuming the subscriber does not exceed the plan allotted minutes. See *id.* at 5; see also Letter from Brian Fontes, Vice President – Federal Relations, AT&T Mobility, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-122 at 2-3, filed Feb. 6, 2007 (*Cingular Wireless Letter*).

²⁹ The discussion of “toll services,” “toll traffic,” and “toll revenues” in this order pertains solely to universal service contribution obligations. Nothing in this order is intended to address intercarrier compensation and other issues raised in CC Docket No. 01-92 or other pending proceedings. See *Developing a Unified Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, 20 FCC Rcd 4685 (2005).

³⁰ *Merriam-Webster Online Dictionary*, copyright 2005 by Merriam-Webster, Inc. available at www.merriam-webster.com (last visited Jan. 2, 2008).

³¹ 47 U.S.C. § 153(48) (defining telephone toll service as “telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service”) (emphasis added).

³² *Cingular Wireless Letter* at 3 (discussing legacy regional plans).

originating outside of the plan-defined home calling area (roaming), and calls placed to points outside of the plan-defined home calling area (toll).³³ Although the definition of toll service reflected in the FCC Form 499 instructions predates the *2006 Contribution Methodology Order*, we recognize that the Commission had not addressed the application of that definition to wireless services prior to that order. Thus, we agree with CTIA that the definition of wireless toll services applies from the effective date of that order.

9. Toll services can thus be defined as telecommunications services, regardless of how provisioned, that enable the customer to call points outside the customer's plan-defined home calling area for an additional charge.³⁴ These services can take many forms. Wireless and interconnected VoIP providers and many local exchange carriers offer a range of calling plans to consumers. These plans may include small local calling areas, regional calling areas, and nation-wide calling areas.³⁵ Although some wireless plans may include an additional air time charge that is the same for local and long distance calls, and therefore does not represent a toll service charge, other plans assess an additional charge that applies only to calls to points outside of the customer's plan-defined home calling area, that is, a toll charge.³⁶

10. In the *2006 Contribution Methodology Order*, we expressed concern that wireless carriers were not properly reporting revenues associated with toll services.³⁷ Providers using traffic studies to report revenues on the FCC Forms 499 shall identify toll service revenues consistent with the home calling area of the particular plan for the subscriber. Therefore, revenue associated with wireless and interconnected VoIP consumers that subscribe to nation-wide, fixed-price calling plans that give the customer fixed amounts of minutes, and do not distinguish between local, intrastate, or interstate service, must be identified as toll service revenue only to the extent that additional fees are assessed for calls made to points outside the plan-defined home calling area. For these plans, toll service revenue would likely be limited to charges associated with international calling.³⁸ Similarly, revenues associated with regional or local plan-defined home calling areas must be reported as toll service revenue to the extent that there are additional fees assessed for calls made to points outside the plan-defined home calling area.³⁹ Revenues

³³ See *id.* See also Letter from Paul W. Garnett, CTIA – The Wireless Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-122 at 2, filed Feb. 21, 2007 (*CTIA Member Toll Charges Letter*).

³⁴ See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services*, Eleventh Report, 21 FCC Rcd 10947, 11049, para. 125 (2006) (explaining wireless carrier calling areas).

³⁵ See *Cingular Wireless Letter* at 3; *CTIA Member Toll Charges Letter* at 2. Some interconnected VoIP plans also include international calls within the flat rate monthly plan fee. See generally <http://comparevoipproviders.org> (last visited Jan. 2, 2008) for a listing of various VoIP calling plans and coverage.

³⁶ See *Cingular Wireless Letter* at 3. We note that such toll charges, as we define the term here, are distinct from roaming charges, which we do not define in this Order.

³⁷ *2006 Contribution Methodology Order*, 21 FCC Rcd at 7534, paras. 29-30.

³⁸ For example, as Cingular explains in its letter, the only “toll” charges associated with its nationwide calling plans would be for calls made from the United States to foreign points. *Cingular Wireless Letter* at 4. Calls made or received by Cingular customers while outside the United States are generally treated as international roaming. *Id.*

³⁹ For example, as Cingular explains in its letter, for its legacy regional plans, calls made to points outside the plan-defined home calling area are treated as toll, depending on the number called, whereas calls made from or received while outside the plan-defined home calling area are treated as roaming. *Cingular Wireless Letter* at 3. See also *CTIA Member Toll Charges Letter* at 2-3.

of a wireless provider or an interconnected VoIP provider associated with additional airtime, roaming, and overage charges, while not toll service revenue, must be allocated between the interstate and intrastate jurisdictions.⁴⁰

11. There are also wireless plans that charge by the minute for some or all calls. These plans, which require consumers to pay in advance for usage, do not offer consumers a “bucket” of minutes per month. Rather, consumers pay on a per-minute basis for each call made. For long distance service, the charges associated with these offerings are often made up of an air time charge that is the same for local and long distance calls, and an additional toll charge that applies only to long distance calls made to points outside of the plan-defined home calling area. As with the other wireless offerings, wireless providers will need to report toll service revenue to the extent they charge additional fees beyond the airtime charges for calls to points outside the plan-defined home calling area. Further, as with the “bucket” plan offerings, additional airtime, roaming, and overage charges must be allocated between the interstate and intrastate jurisdictions as revenue reported for mobile telephony service.⁴¹

B. Toll Service Revenue Reporting

12. Having defined toll service revenues for purposes of USF contribution obligations, we next address how, on a going-forward basis, wireless, interconnected VoIP, and other providers should treat toll service revenues when conducting their traffic studies. We begin by noting that wireless providers have indicated to the Commission that revenues associated with toll services are identifiable because, for the provider to generate a bill for the customer, it must have a system that is capable of determining that a certain call made by a subscriber does not fit within the subscriber’s plan-defined home calling area, and thus should be assessed an additional charge.⁴² This premise would also hold true for other providers that are able to identify and charge for calls that fall outside a subscriber’s plan-defined home calling area or local exchange. We also understand, however, that the billing information alone may not in all cases be sufficient to determine whether the call and associated revenue is interstate/international or intrastate for purposes of billing a customer due to limitations of a provider’s billing system, attributes of a consumer’s calling plan, or for other reasons. The availability of traffic studies for use in revenue reporting remains a viable means for these providers to determine the percentage of revenue that should be allocated to the interstate jurisdiction.⁴³

13. In the *2006 Contribution Methodology Order*, we expressed concern that some wireless providers may not be accurately reporting toll service revenues, and we noted that providers have incentives to design traffic studies so as to minimize their interstate and international end-user revenues.⁴⁴ Unlike monthly charges associated with calling plans and associated usage, the revenue associated with toll service is predominantly a result of domestic long distance and international calling⁴⁵ and is often

⁴⁰ Instructions to the Telecommunications Reporting Worksheet (2007), Form 499-A, at 23-24.

⁴¹ *See id.*

⁴² *See Cingular Wireless Letter* at 3; *CTIA Member Toll Charges Letter* at 2.

⁴³ *See T-Mobile Comments* at 4.

⁴⁴ *2006 Contribution Methodology Order*, 21 FCC Rcd at 7534-35, paras. 29-32.

⁴⁵ *Cingular Wireless Letter* at 2-4; *CTIA Member Toll Charges Letter* at 2-3.

much higher than the per-minute revenue associated with a plan's bucket minutes.⁴⁶ In order to more accurately reflect the jurisdictional nature of toll service revenue, providers, including wireless and interconnected VoIP providers, must ensure that toll service revenues are accurately accounted for by appropriately weighting such traffic in the reporting methodology they choose.⁴⁷ Wireless and interconnected VoIP providers may, for example, conduct separate traffic studies on the traffic associated with toll service charges to determine the percentage of such revenue that is associated with the interstate and international jurisdiction. Thus, a provider using traffic studies to report revenues could conduct one study focusing on toll calls to allocate toll service revenue and a separate study of all calls to allocate all other telecommunications revenues. Conducting two studies should more accurately approximate actual revenues than a single study that includes all telecommunications revenues. We note that the procedures adopted in the *2006 Contribution Methodology Order* for performing a valid traffic study would apply to separate toll service traffic studies.⁴⁸

14. Alternatively, wireless and interconnected VoIP providers may be able to design a single traffic study that adequately accounts for toll service revenue by properly weighting such traffic.⁴⁹ Wireless and interconnected VoIP providers could also choose to report toll service revenue based on actual revenues, while conducting a traffic study excluding toll service calls to address other telecommunications revenues.

15. Our goal in adopting this flexible approach to allocating toll service revenues by jurisdiction is to provide contributors, including wireless and interconnected VoIP providers, a means of assuring compliance with their USF contribution obligations. Regardless of which option is chosen, however, toll service traffic must be identified and treated in a manner that recognizes that such traffic is more likely to be interstate or international than intrastate.⁵⁰ Moreover, appropriate weighting of the higher revenue that is often associated with toll service must be reflected in the traffic study or studies.⁵¹ Accordingly, any revenues associated with charges on customer bills that are identified as interstate or international must effectively be accounted for (*e.g.*, through proper weighting in a traffic study) as 100 percent interstate or international when reporting revenues in the appropriate block of the Telecommunications Reporting Worksheets.

⁴⁶ For example, Sprint international calling rates range from \$.06 to over \$2.49 per minute. See <http://www.nextel.com/en/services/worldwide/ratesfromus.shtml> (last visited Jan. 2, 2008). The Sprint bucket plan minutes range from as little as \$.04 to \$.14 per minute depending on the size of the bucket and assuming that all minutes are used. See <http://nextelonline.nextel.com/NASApp/onlinestore/en/Action/SubmitRegionAction> (last visited Jan. 2, 2008). Similar per minute charges are found with other wireless providers. See generally www.vzw.com, www.cingular.com (last visited Jan. 2, 2008).

⁴⁷ For example, if on average a service provider derives five times as much revenue from an international minute as it does from an intrastate minute, then it would weight each international minute equivalent to five intrastate minutes in calculating a single traffic-based percentage to apply to all revenues. To the extent that a provider chooses to use a weighted traffic study, we again reiterate that such a study must meet the requirements for ensuring accuracy adopted in the *2006 Contribution Methodology Order*. See *2006 Contribution Methodology Order*, 21 FCC Rcd at 7535, n.115.

⁴⁸ *Id.*

⁴⁹ See *supra* n.47.

⁵⁰ See *supra* para. 12.

⁵¹ See *supra* n.47.

IV. PROCEDURAL MATTERS

16. 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) or 202-418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov; phone: 202-418-0530 or TTY: 202-418-0432.

V. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED that pursuant to the authority contained in sections 1, 2, 4(i), 4(j), 201, 202, 218-220, 254, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i)-(j), 201, 202, 208-220, 254, and 303(r), this Order in WC Docket No. 06-122 IS ADOPTED.

18. IT IS FURTHER ORDERED that the petitions for declaratory ruling filed by CTIA-The Wireless Association and Cingular Wireless, LLC, ARE GRANTED to the extent discussed herein.

19. IT IS FURTHER ORDERED THAT pursuant to sections 1.2 and 1.103(a) of the Commission's rules, 47 C.F.R. §§ 1.2, 1.103(a), this Order SHALL BECOME EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Commenters in WC Docket No. 06-122

<u>Comments</u>	<u>Abbreviation</u>
Qwest Communications International Inc.	Qwest
T-Mobile USA, Inc.	T-Mobile
United States Cellular Corporation	USCC

Reply Commenters in WC Docket No. 06-122

<u>Reply Comments</u>	<u>Abbreviation</u>
CTIA – The Wireless Association	CTIA
Cingular Wireless	Cingular