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

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Federal Communications Commission
Office of Secretary

In the Matter of	)	
	)	
Request for Review by Valor Telecommunications of Texas, L.P. of Decision of Universal Service Administrator	)	CC Docket No. 97-21
	)	
Petition for Waiver and/or Clarification of Section 54.802(a) of the FCC's Rules	)	CC Docket No. 96-45

Request for Review by Valor Telecommunications of Texas, L.P. of Decision of Universal Service Administrator; Petition for Waiver and/or Clarification of Section 54.802(a) of the FCC's Rules

Valor Telecommunications of Texas, L.P. ("Valor"), pursuant to Section 54.719 of the Commission's rules,[1] hereby appeals the decision of the Universal Service Administrative Company ("USAC") that Valor's September 29, 2004 line count data submission was not timely filed and that Valor therefore should be denied Interstate Access Support ("IAS") for the fourth quarter of 2004. Valor further appeals USAC's application of its true-up mechanism to seek recovery of $1.5 million in IAS funding provided to Valor in the second quarter of 2004. In addition, Valor, pursuant to Sections 1.3 and 1.925 of the Commission's rules, requests a waiver and/or clarification of the September 30, 2004 filing requirement for line count data set forth in Section 54.802 of the Commission's rules.[2] Valor timely filed the second quarter line data but,

[1] *See* 47 C.F.R. §54.719.

[2] *See* 47 C.F.R. §1.3; 47 C.F.R. §1.925.

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through a clerical error sent the data to National Exchange Carrier Association, Inc. ("NECA"), the correct filing location in 2003, rather than directly to USAC. These steps are necessary to ensure that Valor's IAS funding levels are restored, and not otherwise adversely affected. Valor is an incumbent local exchange carrier ("LEC") providing service to approximately 550,000 telephone access lines in Texas, Oklahoma, New Mexico, and Arkansas. As a price cap carrier, Valor is eligible to receive high-cost IAS funding.[3]

FACTS

Section 54.802(a) of the Commission's rules requires that line count data be filed on a quarterly basis with USAC. Until December 31, 2003, that information was filed with NECA, with whom USAC had contracted to process line count data. On December 15, 2003, USAC released an announcement on its website indicating that USAC had awarded a contract to provide administrative services for the high-cost program to Telcordia Technologies, Inc. ("Telcordia"). The announcement further noted that after January 1, 2004, USAC high-cost and low-income forms and filings should be sent to a new address, even though a number of related filings would continue to be filed with USAC's prior vendor, NECA.[4]

Among the filings that were to be transitioned to the new vendor were quarterly line count submissions required under the IAS program. 47 C.F.R. § 54.802(a). At the same time, Valor was reorganizing its regulatory compliance department, including changing supervisors and reporting responsibilities, as part of its continued efforts to ensure that all necessary federal and state filings are made in a timely and comprehensive manner. Due to that transition, Valor

[3] Valor operates in Study Area Nos. 491164, 491193, 441163, and 431165.

[4] *See What's New Archive – December 2003, at* http://www.universalservice.org/hc/whatsnew/122003.asp ("*What's New Archive*").

inadvertently did not update its procedures with the new filing location, resulting in the misfiling of line count data for the first two quarters in 2004. For the March 31, 2004 filing, NECA forwarded the materials to the proper vendor, and for the June 30, 2004 filing, NECA returned the filings to Valor, instructing Valor to forward the filing to the new location. Unfortunately, due to the reorganization and transition, Valor's internal procedures documents were not updated to reflect the new filing location.

As a practical matter, Valor personnel entrusted with regulatory filings has multiple data filings with both USAC, federal and state regulators, and relies on the processes outlined in Valor's procedures documentation to ensure that all filings are made accurately and timely. No supervisor ever knew of the actions taken by NECA in prior quarters to correct the filing location for the March 31 and June 30 line count submissions. In turn, the filing employee himself did not recognize the need for a permanent change to the procedures with respect to IAS line count submissions.[5] Valor has subsequently fully reviewed all of its regulatory procedures to ensure that all filing requirements are up-to-date and comprehensive.

Due to this clerical error, Valor's September 30, 2004 line count filing for the IAS program was again timely filed by e-mail on September 29, 2004, along with another separate data submission, with NECA, USAC's former vendor.[6] On this occasion, the receiving NECA employee sent a reply e-mail on this same date to Valor indicating that she was no longer the proper party to receive the filings, acknowledging "the timely receipt of loop count data," and

[5] Declaration of Kip Hendrickson (December 23, 2004), attached as Exhibit 1 ("Hendrickson Declaration").

[6] E-mail from Kip Hendrickson, Valor to Carolyn Greene, NECA (Sept. 29, 2004) (attached to Hendrickson Declaration).

stating that she would forward the filings to the proper person.[7] Importantly, this is fully consistent with NECA's conduct for the same type of filing for the March 31, 2004 filing. As such, the individual at Valor who is responsible for filing the IAS data relied on this representation, believing that he had done all that was required under the rules.[8] If the NECA employee had indicated that the line count data should have been sent to the new address, Valor would have had adequate time to refile the line counts at the proper USAC location. Valor had no notice that its line count submission was not forwarded to the proper party within USAC/NECA as promised, and when Valor discovered the error on December 2, 2004, it promptly forwarded the correct second quarter data to USAC.

Because the proper USAC vendor did not receive the line count data by the filing deadline, the vendor reported to USAC that Valor has a line count of zero for the second quarter of 2004 and would receive no IAS support for the fourth quarter of 2004. In addition, USAC ruled that in accordance with its true-up mechanism, Valor is responsible for paying back more than $1.5 million in previously disbursed IAS funds for the second quarter of 2004 due to its zero line count information and USAC's true-up procedures. In its November 2, 2004 report to the FCC, USAC also incorrectly indicates that Valor has zero lines, which results in zero projected IAS support for the first quarter of 2005 for Valor.[9]

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[7] E-mail from Carolyn Greene, NECA to Kip Hendrickson, Valor (Sept. 29, 2004) (Attached as Exhibit 1 to the Hendrickson Declaration) (stating that though Ms. Greene was "no longer responsible for collecting this data," she would "forward the file" to the proper party).

[8] Hendrickson Declaration at 1.

[9] *See* USAC, Federal Universal Service Support Mechanisms Find Size, High Cost Appendix 11 (HC11), available at http://www.universalservice.org/overview/filings/2005/Q1/HC11%20-%20Interstate%20Access%20Support%20Projected%20by%20State%20by%20Study%20Area%201Q05.xls (rel. Nov. 2, 2004).

DISCUSSION

Valor fully appreciates the high priority that USAC places on timeliness of data and certification submissions and regrets the clerical oversight that caused the misdirected filing in this instance. Confusion over the proper address for this data submission and reasonable reliance on NECA's representation contributed to this error. Valor requests that USAC's decisions outlined above be immediately reversed and that Valor's line count submission emailed to NECA in a timely manner be recognized as Valor's second quarter IAS data fully restoring Valor's IAS support, and correcting the first quarter 2005 projections. Valor also requests that USAC recompute Valor's actual line counts. In the alternative, Valor requests that the FCC waive the September 30, 2004 filing deadline and accept either its September 29, 2004 or December 2, 2004 data submissions as timely filed due to the unusual and unique circumstances at issue in this proceeding.

Section 54.719(c) of the Commission's rules provides that "any person aggrieved by an action taken by a division of the Administrator, ... a Committee of the Board of the Administrator, ... or the Board of Directors of the Administrator, ... may seek review from the Federal Communications Commission." Furthermore, under Section 1.3 of the Commission's rules, the Commission may waive application of any of its rules upon a showing of good cause. The Commission may exercise its discretion to waive a rule where particular facts would make compliance inconsistent with the public interest.[10] The waiver process provides "a safety valve

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

procedure for consideration of an application for exemption based on special circumstances."[11] The Commission's[12] discretion in deciding whether "special circumstances" exist to justify a waiver is afforded deference by reviewing courts.

The facts of this case support both the reversal of the USAC's decision and a waiver/clarification of the filing deadline. As a threshold matter, Valor filed the September 30, 2004 line count submission in a timely manner with NECA, the USAC vendor that was previously authorized to receive these filings. Indeed NECA is the parent company of USAC and frequently provides data to USAC. Valor then relied on NECA's representation that the line count data was timely filed and forwarded to the correct place. This reliance was reasonable, given NECA's past conduct as well as USAC's reported practice to notify applicants that a filing was made to the improper address, and then forward the relevant filing to the proper employee.[13] Penalizing Valor for reliance on representations made by a USAC vendor is unjust and warrants immediate corrective action.

In addition, because Valor made every effort to file the information in a timely manner, and corrected the mistake immediately when discovered, the facts of this case are clearly

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[11] *Wait Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

[12] *AT&T Wireless Servs. v. FCC*, 348 U.S. App. D.C. 135, 270 F.3d 959 (D.C. Cir. 2001); *Metro. Council of NAACP Branches v. FCC*, 310 U.S. App. D.C. 237, 46 F.3d 1154, 1164 (D.C. Cir. 1995); *Health and Med. Policy Research Group v. FCC*, 257 U.S. App. D.C. 123, 807 F.2d 1038, 1043 (D.C. Cir. 1987); *Stereo Broadcasters, Inc. v. FCC*, 209 U.S. App. D.C. 229, 652 F.2d 1026, 1031 (D.C. Cir. 1981); *FCC v. WNCN Listeners Guild*, 450 U.S. 582, 596, 67 L. Ed. 2d 521, 101 S. Ct. 1266 (1981) (citations omitted).

[13] This is consistent with apparent practice in other divisions of USAC. *See Request for Review of the Decision of the Universal Service Administrator by Notre Dame High School, Riverside, California; Federal State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, Order, 17 FCC Rcd 963, n. 21 (2002) ("it appears that SLD also forwarded Application 2 to the correct address at SLD" after notifying applicant that the form had been submitted to the wrong address).

distinguishable from instances in which parties failed to file line count information altogether.[14] Further, in the past when filing requirements have created confusion, the FCC has waived filing deadlines and accepted late filings as timely, even though they were not filed at all.[15]

A contributing factor is the failure of USAC to indicate the new filing location on the website pages which describe the filing and the form for the IAS line count information. The only place on USAC's website in which the proper address is located is in the "What's New" archive.[16] Significantly, the proper address for data submission is not included in the IAS section of USAC's website, nor the Frequently Asked Question (FAQ) section, or on the sample

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[14] *See Federal-State Joint Board on Universal Service, Fibernet, LLC, Petition for Waiver of 54.307(c) of the Commission's Rules and Regulations*, Order, CC Docket No. 96-45, 19 FCC Rcd 8202 (Wireline Comp. Bur. 2004) (waiver was denied where petitioner had failed to file line count information with any party).

[15] *See Federal-State Joint Board on Universal Service, United States Cellular Corporation, Petition for Waiver of Section 54.307(c) of the Commission's Rules and Regulations*, 19 FCC Rcd 12418 (2004). In this case, United States Cellular failed altogether to file quarterly line submissions due to confusion with respect to whether or not such filings were mandatory for competitive ETCs. The Commission granted a waiver of quarterly line count data requirements to United States Cellular, noting that "it was reasonable for USCC to believe that line-count filings were not mandatory." *Id.*, ¶ 7.

[16] *What's New Archive.* There is no reference to this archive or the press release on the web page that describes the line count information requirements. *See USAC: High Cost Interstate Access support, at* http://www.universalservice.org/hc/components/ias.asp (attached as Exhibit 2).

IAS line count forms.[17] Further, neither the FCC's rule nor the order adopting the line count requirements indicates the proper filing address.[18]

The lack of adequate notice on USAC's website and on its forms evidences a larger data collection problem. It is unclear if USAC's line count collection efforts are compliant with the Office of Management and Budget's ("OMB") Paperwork Reduction requirements.[19] Valor does not believe that the line count form on USAC's website received OMB approval. At a minimum, USAC's Interstate Access Support Line Count form fails to display a valid OMB control number as required by law.[20] As a matter of federal law, Valor cannot be penalized with respect to information collection requirements of a government agency if that agency fails to meet the applicable federal requirements. 44 U.S.C. §3512(a) states that "no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this subchapter if: (1) the collection of information does not display a valid control number assigned by the Director [of the OMB] in accordance with this subchapter." Applicable case law also indicates that no penalty can be imposed for failure to respond to a form that does not carry a

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[17] *See Id., The High Cost Support Mechanism- FAQ, at* http://www.universalservice.org/hc/faq.asp#ias (attached as Exhibit 3), *Interstate Access Support Line Count Sample Letter, at* http://www.universalservice.org/hc/download/xls/IAS%20-%20Line%20Count%20Sample%20Letter.xls (attached as Exhibit 4).

[18] *See* 47 C.F.R. § 54.802; *see also Access Charge Reform Price Cap Performance Review for Local Exchange Carriers Low-Volume Long-Distance Users Federal-State Joint Board on Universal Service*, 15 FCC Rcd 12962 (2000).

[19] *See generally* 44 U.S.C. § 3501 (2004) *et seq*; *see also* 5 C.F.R. § 1320 *et seq*. USAC must comply with the requirements of government agencies with respect to its role as universal service administrator. *See* Letter from Michael K. Powell, Chairman, FCC to Olympia J. Snowe and John D. Rockefeller, Senators, at 3-5 (Oct. 5, 2004).

[20] 44 U.S.C. § 3507(f).

valid OMB control number.[21] It is evident that USAC's request constitutes a "collection of information" under 44 U.S.C. §3502(3), and that USAC's refusal to accept correct information that was inadvertently filed in the wrong location is a penalty suffered by Valor in violation of the Paperwork Reduction Act.

Moreover, denying Valor all IAS support in this instance is inconsistent with FCC rules. In adopting the line count information rule, the FCC never indicated the consequences that would occur for filing the information in the wrong location so that it was not received on time. The Commission has clearly established in other rules those instances in which denial of all funding is the appropriate penalty for a late submission. For instance, the FCC's rules state that "[i]n order for a price cap local exchange carrier ... to receive interstate access universal service support, such carrier must file an annual certification."[22] However, the FCC's requirement to submit line counts does not include a specific penalty for failing to do so, let alone full denial of funding.[23]

The inequitable result for Valor of denying all IAS support for the fourth quarter of 2004 is exacerbated by USAC's further determination to demand the immediate return of IAS payments made to Valor from the second quarter. This is unnecessarily punitive, and inconsistent with the proper operation of a true-up mechanism: true-ups are meant to correct old

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[21] *See United States v. Hatch*, 919 F.2d 1394, 1396-98 (9th Cir. 1990) (overturning a criminal conviction based on a failure to file an operation plan with the Forest Service because the required forms did not carry a valid OMB control number).

[22] 47 C.F.R § 54.809(c) (2004).

[23] 47 C.F.R. § 54.802 (2004) (requiring that "each ETC ... shall submit to the Administrator, on a quarterly basis,"). In fact, the seriousness of this filing location change and the deadline was not self-evident given that USAC had itself waived the deadline *sua sponte* from the March 31, 2004 filing and NECA had promptly informed others of the correct filing location as to the June 30, 2004 filing.

data with up-to-date information, and should not rely on clearly incorrect data. At a bare minimum, USAC's demand for prior IAS payments should be evaluated in light of the line counts filed with NECA and the clear equitable consideration at issue in this case. Similarly, USAC's inaccurate IAS projections for the first quarter of 2005 should be corrected.

The clear need for IAS support and public interest implications for Valor further supports this request. Valor serves very rural areas in the southwest, and has significantly improved its service quality and operations in its initial years of service, despite facing significant hurdles. Valor is particularly reliant on federal universal service funding due to the repeated need to invest significant resources and capital expenditures for its physical plant due to unforeseen circumstances.[24] Refusal to provide Valor with IAS funds would frustrate the Commission's policy determinations to eliminate implicit subsidies and offset high interstate access charges in rural communities. In this case, the underlying purpose of the line count requirement and the IAS funding mechanism would clearly outweigh the interest to be served in a strict enforcement of the procedural rules, particularly given the lack of notice and Paperwork Reduction Act violation outlined above.

From an operational perspective, accepting Valor's data filing as timely filed and granting this request will not create an undue burden on USAC. The Wireline Competition Bureau has routinely granted waivers in the past for competitive ETCs who become eligible to receive universal service support mid-quarter, and the inclusion of Valor's line counts for the

[24] *Valor Telecommunications of Texas and Valor Telecommunications of New Mexico Petition for Waiver of the Operation of the X-factor in the Price Cap Indices Formula Set Forth in Section 61.45(b)(1)(i),* WCB/Pricing File No. 02-11, Order, 17 FCC Rcd 10646 (2002).

fourth quarter 2004 could be accomplished in the same manner.[25] Valor's requested waiver and/or clarification would serve the public interest and would avoid an onerous and inequitable penalty on Valor and its rural customer base.

[25] *See, e.g., Federal-State Joint Board on Universal Service, RFB Cellular Inc., Petitions for Waiver of Sections 54.314(d) 54.307(c) of the Commission's Rules and Regulations*, Order, CC Docket No. 96-45, 17 FCC Rcd 24387, 24391, ¶ 10 (Wireline Comp. Bur. 2002).

CONCLUSION

For the reasons stated above, Valor urges the Commission to reverse the decision of USAC to refuse to process line count data submitted by Valor in a timely manner to the wrong location. Valor asks that the Commission clarify that its line count submission were timely filed, and order USAC to recalculate its computation of IAS payments and true-ups, and correct the first quarter 2005 projections. If the Commission believes the data were filed late, Valor asks for a waiver of the rule and an order to USAC to correct its computation of IAS payments and true-ups *nunc pro tunc,* in light of the special circumstances demonstrated herein.

Respectfully submitted,

VALOR TELECOMMUNICATIONS OF TEXAS, L.P.

By: /s/ Gregory J. Vogt

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Its Attorneys

December 23, 2004

EXHIBIT 1

DECLARATION OF KIP HENDRICKSON

My name is Kip Hendrickson. I have been an employee of Valor since July 15, 2002 and am currently an Analyst III in the Regulatory Strategy Department. It is my responsibility to file state and federal reports. I prepare and file approximately 524 various state and federal reports and invoices for regulatory fees and assessments that represent monthly, quarterly and annual submissions. There are a large number of different filing location for each of these reports, and the filing location of these reports frequently changes.

I was under considerable confusion as to the correct filing location for the quarterly line count submission required by Section 54.802(a) of the FCC's rules. This line count submission was made pursuant to a form that is located on USAC's website. USAC's website describing this form and the line count submission information does not indicate the proper filing location and there is no reference or link to any information about the correct filing location. Prior to 2004, these reports were always sent to NECA by electronic mail. I continued to use this same procedure during 2004 because the Valor internal procedures for this report indicated that this was the correct filing location. I misunderstood that USAC changed the filing location for 2004 on a permanent basis. At one time, I was aware that NECA forwarded Valor's March 31, 2004 line count submission directly to USAC and that it returned the June 30, 2004 submission to me, instructing me to send it directly to USAC. Given the large number of filings that I make and the number of emails I received, I failed to appreciate that the procedures for making this filing had been permanently changed. I did not inform my supervisor of these incidents.

I filed the September 30, 2004 submission of June 2004 line counts with NECA on September 29, 2004 as Valor's procedures had always required. I did not recall that there had been some issue about the filing location during earlier quarters during 2004 due to sheer number of filings made, and the passage of time since those incidents. The email which transmitted this information is attached to this declaration. The return email from NECA, which is also attached, led me to believe that the line count information was timely filed and would be forwarded to the correct location. Given this email, I did not recognize that I had sent the information to the wrong entity, nor believe that anything further was required to satisfy the line count data submission. The failure to send the September 30 line count information to the proper location was completely inadvertent on my part.

I discovered that USAC had not received the September 29 submission when I reviewed universal service support information from USAC in early December. After contacting USAC and discovering the nature of the issue, I promptly forwarded the information to USAC on December 2, 2004.

Pursuant to Section 1.16 of the FCC's rules, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 23, 2004.

Kip Hendrickson

Kip Hendrickson

-----Original Message-----
From: Carolyn Greene [mailto:CGREENE@neca.org]
Sent: Wednesday, September 29, 2004 4:07 PM
To: Hendrickson, Kip; Jenni Blandina; Keisha Blackmon

Cc: Colleen Freeland
Subject: RE: Form 2 6/30/04 and Diaggregation line 3/31/04 for Valor Telcom

Kip,

Thank you for your timely submission of the loop data. I am no longer responsible for collecting this data. In the future, please send your submissions to Colleen Freeland (cfreela@neca.org). I will forward the file you sent me to her.

cg2

-----Original Message-----
From: Hendrickson, Kip [mailto:khendrickson@valortelecom.com]
Sent: Wednesday, September 29, 2004 5:05 PM
To: Jenni Blandina; Keisha Blackmon; Carolyn Greene
Subject: FW: Form 2 6/30/04 and Diaggregation line 3/31/04 for Valor Telcom

> -----Original Message-----
> From: Hendrickson, Kip
> Sent: Wednesday, September 29, 2004 4:03 PM
> To: 'cgreene@neca.org, Kblackm@neca.org'; 'jbladi@neca.org'
> Cc: Kreutz, William; Stublefield, Lisa; Parker, Terry; Hawkins, Daniel
> Subject: Form 2 6/30/04 and Diaggregation line 3/31/04 for Valor Telcom
>
> All,
>
> Attached is our Form 2 Filing and the Diaggregations report. Please contact me if you have any questions about the information.
>
> Kip Hendrickson
> Valor Telecom
> 469-42--2546
>
> > <<Form 2 Filing 9-30-04.xls>> > > <<09-30-04 Disag Update to USAC.xls>>
>

EXHIBIT 2

Interstate Access Support

Interstate access support (IAS) helps to offset interstate access charges for price cap companies. Only price cap carriers, or competitive carriers serving in the service area of a price cap carrier, are eligible to receive interstate access support.

RELATED DOCUMENTS:
- Checklists
- IAS Maps
- Forms

Required data submissions

A price cap carrier must submit the following information: (1) line counts; (2) revenue information; (3) UNE zone rates (if UNE zones have been established); (4) UNE zone maps (if UNE zones have been established); and (5) a carrier certification. A competitive carrier serving in the service area of a price cap carrier must submit only line count data and a carrier certification.

View UNE Zone Maps.

Line count information

A carrier must file the number of lines served within each price cap local exchange carrier study area in which it serves. The line counts must be submitted at the unbundled network element (UNE) zone level if UNE zones have been established within the study area. Residential/single-line business and multi-line business line counts must be shown separately. The line counts must be submitted on the last business day of March, June, September, and December of each year and must contain the following information:

- Last business day of March filing: number of lines served for October through December of the previous year
- Last business day of June filing: number of lines served for January through March of the current year
- Last business day of September filing: number of lines served for April through June of the current year
- Last business day of December filing: number of lines served for July through September of the current year.

Revenue information

A carrier must file Average Price Cap CMT Revenue per Line month on an annual basis.

Carrier certification requirement

A carrier must file a certification with the FCC and with USAC stating that all interstate access universal service support received will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The certification may be in the form of a letter from an authorized representative for the carrier and must reference CC Docket No. 96-45. The certification must be filed annually - on the date the carrier first files its interstate access line count information and, thereafter, on June 30 of each year.

Content Last Modified: July 16, 2003

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EXHIBIT 3

Interstate access support (IAS) helps to offset interstate access charges for price cap companies. Only price cap carriers, or competitive carriers serving in the service area of a price cap carrier, are eligible to receive interstate access support.

What information does a price cap carrier have to submit in order to qualify for interstate access support?

A price cap carrier must submit the following information: (1) line counts; (2) revenue information; (3) UNE zone rates (if UNE zones have been established); (4) UNE zone maps (if UNE zones have been established); and (5) a carrier certification.

Please visit the Maps area for more information.

What line count information does a carrier have to submit in order to qualify for interstate access support?

A carrier must file the number of lines served within each price cap local exchange carrier study area in which it serves. The line counts must be submitted at the unbundled network element (UNE) zone level if UNE zones have been established within the study area. Residential/single-line business and multi-line business line counts must be shown separately. The line counts must be submitted on March 30, June 30, September 30, and December 30 of each year and must contain the following information:

- March 30 filing: number of lines served for October through December of the previous year
- June 30 filing: number of lines served for January through March of the current year
- September 30 filing: number of lines served for April through June of the current year
- December 30 filing: number of lines served for July through September of the current year

What revenue information must be filed in order to qualify for interstate access support?

A carrier must file Average Price Cap CMT Revenue per Line month on an annual basis.

What kind of certification does a carrier have to provide in order to qualify for interstate access support?

A carrier must file a certification with the FCC and with USAC stating that all interstate access

Interstate Access Support Line Count
Sample Letter

Date:

CETC Name:
CETC Study Area Code (SAC):
Contact Name:
Contact Telephone Number:
Lines Reported As Of:
Areas are Eligible for Support/Ineligible for Support (select one):

		Number of Lines								
		Zone 1		Zone 2		Zone 3		Zone 4		
Incumbent Carrier Name	Incumbent Carrier SAC	Residence and Single Line Business	Multi-Line Business	Residence and Single Line Business	Multi-Line Business	Residence and Single Line Business	Multi-Line Business	Residence and Single Line Business	Multi-Line Business	Total Line Count

EXHIBIT 4

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2004, I caused true and correct copies of foregoing to be served on the following parties.

Rheatte Brighthaupt

Universal Service Administrative Company (hand delivery)
High Cost and Low Income Division - Appeals
2000 L Street, NW
Suite 200
Washington, DC 20036

Narda Jones (hand delivery)
Division Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Gina Spade(hand delivery)
Assistant Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission