Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In re	)	
	)	
Request for Declaratory Ruling Regarding the	)	
Federal Communications Commission's	)	WC Docket 03-109
Lifeline Verification Rules	)	
	)	

To: Wireline Competition Bureau

REQUEST FOR DECLARATORY RULING

Wisconsin RSA #4 Limited Partnership, Wausau Cellular Telephone, Limited Partnership, Nsighttel Wireless, LLC, Metro Southwest PCS, LLP, Wisconsin RSA #10 and Brown County MSA Cellular Limited Partnership (collectively "Nsighttel" or "Petitioner"), by its attorneys and pursuant to 47 C.F.R. § 1.2, requests a declaratory ruling that where a state commission which has mandated Lifeline support does not impose certification and verification requirements on CMRS carriers, it is legally sufficient for a CMRS carrier to follow the FCC's rules for certifications and verifications contained in Section 54.410 of the Commission's rules.

I. Background

1. Nsighttel provides Cellular Radiotelephone Service ("CRS") and Personal Communications Service ("PCS") to its subscribers in a number of states, including the state of Wisconsin. The Public Service Commission of Wisconsin ("WPSC") recently designated Nsighttel as an ETC in the state of Wisconsin. Since that time, Nsighttel has operated as an ETC and has advertised the availability of its Lifeline and Linkup services.

2. In light of the Commission's Lifeline Order was published last year[1] and since Nisghttel's designation as an ETC, Nsighttel has been working diligently to ensure that it is in compliance with the WPSC's Lifeline certification and verification rules. Within the past three weeks, a staff person with the WPSC informed Nighttel that the Wisconsin certification and

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2 *Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 03-109, FCC 04-87 (April 29, 2004)

verification procedures that were being put into place did not extend to wireless ETCs within the state of Wisconsin since the WPSC has assumed jurisdiction for purposes of designating ETCs, but only for purposes of the federal USF program, and therefore, the FCC's federal default procedures should be followed with respect to wireless Lifeline customers. Nsighttel has asked the WPSC to confirm this advice in writing. Should the WPSC issue a written confirmation, Nsighttel will provide a copy as a supplement to this Petition.

3. Upon being informed of the WPSC's position, Nsighttel sought advice from the FCC staff and this Request followed. At this time Nsighttel seeks confirmation that complying with the FCC's federal default procedures for certification and verification are adequate to be in compliance with Section 54.410 of the FCC's Rules. Nsighttel shall submit its verification data to the FCC on or before June 22, 2005.

II. Request for Declaratory Ruling.

4. Pursuant to 47 C.F.R. § 1.2, Petitioner requests a declaratory ruling to remove uncertainty regarding the interplay between federal and state Lifeline compliance requirements. The Commission should declare that when a state commission that has designated an ETC under 47 U.S.C. §214(e)(2), but does not accept verification data for customers located within the state, an affected carrier should follow the FCC's federal default guidelines contained in Section 54.410 of the Commission's rules. None of the FCC's rules or orders describe a situation where a state that has designated a carrier as an ETC under 47 U.S.C. §214(e)(2), but does not accept verification data for customers located within the state.

5. The Commission should also declare that when a state commission that has designated an ETC under 47 U.S.C. §214(e)(2) does not enforce its certification rules within any portion of the state, an affected carrier should follow the FCC's federal default guidelines contained in Section 54.410 of the Commission's rules.

12. Without clarity on these points, a carrier may reasonably infer that Lifeline customers in Wisconsin are not subject to federal or state certification and verification rules.

Conclusion.

Nsighttel wants ensure that it meets all of its regulatory obligations as an ETC. In the absence of an opportunity to participate in the WPSC's certification or verification procedures, the only alternative means for a carrier to achieve compliance is to follow the federal rules for certifications and to submit its verification data to USAC.

For all of the reasons set forth above, Petitioner requests the Commission to declare that where states that have designated ETCs under Section 214(e)(2) do not impose certification and verification requirements on ETCs, the appropriate course is to follow the certification and verification rules for default states contained in Section 54.410 of the Commission's rules.

Respectfully submitted,

Wisconsin RSA #4 Limited Partnership
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Nsighttel Wireless, LLC
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By:_____

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June 17, 2005

CERTIFICATE OF SERVICE

I, Donna Brown, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 17th day of June, 2005, sent by hand-delivery, a copy of the foregoing REQUEST FOR DECLARATORY RULING to the following:

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