

3. Implementation

50. In this section, we address implementation issues related to our requirement that interconnected VoIP providers contribute to the USF. Because we are expanding the base of contributors, certain entities that in the past have not been required to report interstate and international revenues will now be required to do so. For that reason, we provide a brief overview of our reporting requirements. This Order does not fully explain all of the Commission's requirements. Interconnected VoIP providers that are new to the USF procedures should familiarize themselves with the Commission's USF rules and with FCC Forms 499-A and 499-Q Telecommunications Reporting Worksheets and the accompanying instructions.¹⁷²

51. *Identifying Revenues for Reporting Purposes.* Most interconnected VoIP providers offer packages of services to consumers for a single price that include telecommunications, as discussed above,¹⁷³ along with CPE and/or features that may be information services. To the extent that an interconnected VoIP provider has chosen to structure its offerings in this manner, it may use the safe harbors established in the *CPE Bundling Order* to determine the appropriate amount of telecommunications revenues to be reported (as distinguished from revenue derived from non-telecommunications).¹⁷⁴ Interconnected VoIP service providers are not obligated to use either of the safe harbors in the *CPE Bundling Order*, but we emphasize that other allocation methods may not be considered reasonable and will be evaluated on a case-by-case basis in an audit context.¹⁷⁵

52. Interconnected VoIP providers must report and contribute to the USF on all their interstate and international end-user telecommunications revenues. To fulfill this obligation, interconnected VoIP providers have three options: (1) they may use the interim safe harbor established in this Order; (2) they may report based on their actual interstate telecommunications revenues; or (3) they may rely on traffic studies, subject to the conditions described below.

53. As we recognized in the *Vonage Order*, it is difficult for some interconnected VoIP providers to separate their traffic on a jurisdictional basis.¹⁷⁶ Indeed, many of these VoIP providers have advocated to us in other proceedings that their services are "inherently interstate."¹⁷⁷ Consistent with this advocacy

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possibilities—just as it sometimes drafts provisions that appear duplicative of others—simply, in Macbeth's words, 'to make assurance double sure'). Absent any affirmative evidence that Congress intended to limit the Commission's judicially recognized ancillary jurisdiction in this area, we find that the *expressio unius* maxim "is simply too thin a reed to support the conclusion that Congress has clearly resolved [the] issue." *Mobile Communications Corp. v. FCC*, 77 F.3d 1399, 1405 (D.C. Cir. 1996); see also *Martini v. Federal Nat'l Mortgage Ass'n*, 178 F.3d 1336, 1342-43 (D.C. Cir. 1999) (noting that the *expressio unius* principle is particularly unhelpful in addressing issues of administrative law).

¹⁷² Revised Forms 499-A and 499-Q are attached to this Order and Notice at Appendices C and D, respectively.

¹⁷³ See *supra* paras. 38-45.

¹⁷⁴ *CPE Bundling Order*, 16 FCC Rcd at 7446-48, paras. 47-51.

¹⁷⁵ See *id.* at 7448, paras. 52-54.

¹⁷⁶ See *Vonage Order*, 19 FCC Rcd at 22405, para. 1.

¹⁷⁷ Numerous VoIP providers have argued that "VoIP services are interstate in nature." Letter from John T. Nakahata, Counsel to Level 3, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 03-211, 03-266, 04-36, Attach. at 1 (filed Nov. 3, 2004) (attaching a letter from the VON Coalition, MCI, 8x8, Inc., AT&T, Avaya Inc., Dialpad, EDS, EDUCAUSE, iBasis, IceNet, ITAA, Level 3, PointOne, pulver.com, Qovia, Skype, Telic Communications, USA Datanet, and Voiceglo, to Michael K. Powell, Chairman, FCC, dated Nov. 2, 2004); see also, e.g., VON Coalition Comments, WC Docket No. 03-211, at 15 (filed Oct. 27, 2003) ("[T]he Commission should determine that all VoIP traffic is jurisdictionally interstate . . .").

and based on the conclusions in the Vonage Order,¹⁷⁸ we find that it would be reasonable for us to treat the interconnected VoIP traffic as 100% interstate for USF purposes. Indeed, in another context where providers were unable to separate their interstate telecommunications revenues from other revenues, the Commission found a safe harbor of 100 percent to be reasonable.¹⁷⁹ Nevertheless, we establish a safe harbor that is lower than 100 percent as a convenient alternative for interconnected VoIP providers. Our safe harbor is necessarily the product of line drawing.¹⁸⁰ In adopting a safe harbor we consider what would be an appropriate analogue. One industry report has estimated that 83.8 percent of VoIP traffic in 2004 was either long distance or international and only 16.2 percent was local.¹⁸¹ Thus, it appears that VoIP traffic is predominantly long distance or international. As such, it is much like wireline toll service which similarly offers interstate, intrastate toll, and international services. In fact as stated in paragraph 55 below, VoIP services are often marketed as a substitute for wireline toll service.¹⁸² The percentage of interstate revenues reported to the Commission by wireline toll providers is 64.9 percent. We therefore find that establishing a safe harbor of 64.9 percent is reasonable for purposes of this interim action.¹⁸³

54. Moreover, we believe that setting the safe harbor at 64.9 percent is reasonable pending the completion of the attached NPRM where we seek comment on whether to change or eliminate all of the safe harbors.¹⁸⁴ To set the safe harbor lower would permit providers that actually provide more interstate service to escape universal service contribution obligations for some of their interstate traffic, thus undermining our actions to preserve and advance the goals of universal service. Furthermore, to the extent the safe harbor percentage is higher than some providers' actual interstate use, providers may instead contribute to the fund based on actual revenue allocations or by conducting a traffic study, as described below. We encourage interconnected VoIP providers to explore these more precise avenues for determining the jurisdictional nature of their revenues.¹⁸⁵

¹⁷⁸ See *Vonage Order*, 19 FCC Rcd at 22405, para. 1.

¹⁷⁹ See *CPE Bundling Order*, 16 FCC Rcd at 7447-48, paras. 51-52.

¹⁸⁰ See *Access Charge Reform*, CC Docket No. 96-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221, 14276, para. 96 (1999) (*Pricing Flexibility Order*), *aff'd*, *WorldCom, Inc. v. FCC*, 238 F.3d 449 (D.C. Cir. 2001) (citing *United States v. FCC*, 707 F.2d, 610, 618 (D.C. Cir. 1983)); see also *Sinclair v. FCC*, 284 F.3d 148, 159 (D.C. Cir. 2002) ("Where issues involve 'elusive' and 'not easily defined' areas . . . our review is considerably more deferential, according broad leeway to the Commission's line-drawing determinations.") (citation omitted); *AT&T v. FCC*, 220 F.3d 607, 627 (D.C. Cir. 2000) (stating that "the Commission has wide discretion to determine where to draw administrative lines").

¹⁸¹ See *iLocus Weekly Newsletter*, Sept. 16, 2005, available at www.ilocus.com. This same report estimated that in 2005, 66.2 percent of all VoIP traffic was either long distance or international. See *iLocus Weekly Newsletter*, Mar. 21, 2006, available at www.ilocus.com. Either estimate indicates that VoIP traffic is predominately long distance or international.

¹⁸² See *infra* para. 55.

¹⁸³ *2004 Revenues Report*, Table 8. This category of providers includes interexchange carriers, operator service providers, prepaid calling card providers, satellite service providers, toll resellers, and "other toll carriers." *Id.*

¹⁸⁴ See *infra* paras. 68-69

¹⁸⁵ Vonage concedes that application of a safe harbor is appropriate but argues about the correct percentage. See Vonage June 14, 2006 *Ex Parte* at 8 ("Vonage would support an interim safe harbor of 23% . . ."). Vonage's argument that establishing a safe harbor of 64.9 percent is inconsistent with the *VoIP 911 Order* has no merit. See Vonage June 14, 2006 *Ex Parte* Comments at 6. The Commission's rationale for imposing 911 obligations on interconnected VoIP providers was that customers reasonably expect interconnected VoIP service to function like traditional telephone service in some ways. See *VoIP 911 Order*, 20 FCC Rcd at 10256-57, para. 23. Nowhere in the *VoIP 911 Order* did the Commission suggest that interconnected VoIP traffic is predominantly local. Accordingly, there is no inconsistency between the two orders.

55. We do not believe that the percentage used as the wireless safe harbor would serve as a reasonable safe harbor for interconnected VoIP.¹⁸⁶ Indeed, the record reflects that interconnected VoIP service is often marketed as an economical way to make interstate and international calls, as a lower-cost substitute for wireline toll service.¹⁸⁷ For purposes of a safe harbor, it is reasonable to account for the many customers who purchase these services to place a high volume of interstate and international calls, and benefit from the pricing plans the providers offer for such services. We believe that these characteristics differentiate it from wireless service. Accordingly, we find that the interconnection VoIP safe harbor should be substantially higher than the wireless safe harbor in order to properly capture interstate revenues.

56. While, as stated above, interconnected VoIP providers may report their actual interstate telecommunications revenues, we recognize that some interconnected VoIP providers do not currently have the ability to identify whether customer calls are interstate and therefore subject to the section 254(d) contribution requirement. Indeed, a fundamental premise of our decision to preempt Minnesota's regulations in the *Vonage Order* was that it was impossible to determine whether calls by Vonage's customers stay within or cross state boundaries.¹⁸⁸ Therefore, an interconnected VoIP provider may rely on traffic studies or the safe harbor described above in calculating its federal universal service contributions. Alternatively, to the extent that an interconnected VoIP provider develops the capability to track the jurisdictional confines of customer calls, it may calculate its universal service contributions based on its actual percentage of interstate calls.¹⁸⁹ Under this alternative, however, we note that an interconnected VoIP provider with the capability to track the jurisdictional confines of customer calls would no longer qualify for the preemptive effects of our *Vonage Order* and would be subject to state regulation. This is because the central rationale justifying preemption set forth in the *Vonage Order* would no longer be applicable to such an interconnected VoIP provider.

¹⁸⁶ *But see* Letter from Tina M. Pidgeon, Vice President, Federal Regulatory Affairs, General Communication, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45 (filed June 9, 2006) (*GCI June 9, 2006 Ex Parte Letter*); Letter from Neal M. Goldberg, General Counsel, National Cable & Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45, at 1 (filed June 13, 2006); *Vonage June 14, 2006 Ex Parte Comments* at 2-5 (all arguing that a safe harbor for VoIP providers should be applied in a manner consistent with the safe harbor for wireless carriers).

¹⁸⁷ *See, e.g.*, Global Crossing Announces New VoIP LDS Service Offering Enterprises Extended Local Presence, <http://www.globalcrossing.com/xml/news/2005/march/07.xml> (last visited June 20, 2006); Broadvoice Rate Plans, <http://www.broadvoice.com/rateplans.html> (last visited June 15, 2006); NetZeroVoice Long Distance, <http://www.netzero.net/voip/rates.html?sep=voip> (last visited June 15, 2006); Sunrocket, *All-Inclusive Service*, <http://www.sunrocket.com/advantages/all-inclusive/> (last visited June 15, 2006); Vonage, <http://www.vonage.com/index.php?ic=1> (last visited June 15, 2006) (all promoting VoIP rate plans that save customers money on interstate and/or international calls); *see also* Robert Poe, "Telegeography Projects 38 Percent Jump in International VoIP Traffic," *VoIP Magazine*, Nov. 14, 2005, http://www.voip-magazine.com/index.php?option=com_content&task=view&id=586 (reporting that international telephone traffic is increasing generally, and that the VoIP portion of that international traffic is increasing faster than conventional TDM-based international traffic).

¹⁸⁸ *See Vonage Order*, 19 FCC Rcd at 22418-23, paras. 23-31.

¹⁸⁹ Because we permit interconnected VoIP providers to report on actual interstate revenues, this Order does not require interconnected VoIP providers that are currently contributing based on actual revenues to revise their current practices. *Cf. GCI June 9, 2006 Ex Parte Letter* at 1. Interconnected VoIP providers must maintain – and must provide to the Commission or to USAC upon request – documentation to support the percentage of interstate telecommunications revenues that they report. *Cf. Second Wireless Safe Harbor Order*, 17 FCC Rcd at 24966, para. 24. We remind providers that the Commission has the authority to investigate compliance with these requirements and to take appropriate enforcement action upon discovery of noncompliance.

57. In lieu of using the interim safe harbor or reporting actual interstate telecommunications revenues, interconnected VoIP providers may rely on traffic studies, as noted above, and as CMRS carriers may do.¹⁹⁰ The record indicates that traffic studies are a feasible option for providers of interconnected VoIP.¹⁹¹ However, before it can begin to base its USF contributions on a traffic study, an interconnected VoIP provider must submit its proposed traffic study to the Commission for approval. While prior Commission approval of traffic studies is not required for wireless carriers, we have nonetheless identified concerns in the wireless context with the use of traffic studies as a replacement for reporting actual revenues, and we now require wireless carriers to submit their traffic studies to the Commission and to USAC.¹⁹² If we were to allow interconnected VoIP providers to rely on unapproved traffic studies, we would risk extending the problems we have identified with the use of traffic studies by wireless carriers to a new technology, and possibly creating unforeseen problems as well. For these reasons, we find it appropriate to require prior Commission approval of any traffic study on which an interconnected VoIP provider proposes to rely.¹⁹³ Until the Commission has approved an interconnected VoIP provider's proposed traffic study, that provider may use the interim safe harbor. We may extend this treatment to wireless traffic studies in the future, but we decline to do so today. While there would be a benefit to parity of requirements between wireless and interconnected VoIP providers, a pre-approval requirement for wireless traffic studies would be disruptive to wireless contributors who, unlike interconnected VoIP providers, are already relying on the current regime.

58. We take one additional interim action here to ensure the health of the USF pending broader reform. As we stated earlier, we have not yet classified interconnected VoIP as either a telecommunications service or an information service. Because we have not yet made that classification, some interconnected VoIP providers may hold themselves out as telecommunications carriers, but others do not, considering themselves instead to be "end users." Carriers that provide telecommunications service inputs to the latter group of interconnected VoIP providers therefore have been reporting the resulting revenues as end-user revenues and including them in their bases.¹⁹⁴ Because we do not classify interconnected VoIP today, nor do we attempt to quantify the magnitude of USF contributions from carriers that supply wholesale inputs to interconnected VoIP providers, carriers supplying telecommunications services to interconnected VoIP providers who are not themselves carriers should continue to include the revenues derived therefrom in their own contribution bases for two full quarters after the effective date of this Order.¹⁹⁵ Wholesale carriers may not exclude these revenues by invoking

¹⁹⁰ See *supra* paras. 29-33; see also *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order and Order on Reconsideration, 18 FCC Rcd 1421, 1425-26, para. 8 (2003). An interconnected VoIP provider that chooses to rely on a traffic study must ensure that the study conforms to the requirements detailed in this Order. See *supra* n.116. While interconnected VoIP providers may lack systems to track the jurisdictional nature of individual calls, they are required to know – either automatically or through interaction with the customer – the location of each customer, which will also be the origination point of the customer's calls. See *VoIP 911 Order*, 20 FCC Rcd at 10271, para. 46.

¹⁹¹ See Letter from Thomas Jones, Counsel for Cbeyond Communications LLC, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45, WC Docket No. 04-36, at 1 (filed June 14, 2006) ("Cbeyond has determined that it would likely be able to conduct accurate traffic studies for determining its interstate and intrastate revenues for VoIP services it may offer in the future."); see also *id.*; *Sprint Nextel June 14, 2006 Ex Parte Letter* at 1 (both urging the Commission to permit interconnected VoIP providers to use traffic studies).

¹⁹² See *supra* para. 29.

¹⁹³ But see Letter from Cheryl A. Tritt, Counsel to T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45, at 2; *Vonage June 14, 2006 Ex Parte Comments* at 5 (both opposing a requirement that interconnected VoIP providers' traffic studies be approved in advance by the Commission).

¹⁹⁴ When the service was provided through an intrastate tariff or otherwise determined to be intrastate, it may not have been included in the carrier's end user revenues for federal USF purposes.

¹⁹⁵ We believe that this action addresses the VON Coalition's concern about double counting of interconnected VoIP (continued....)

the “carrier’s carrier” rule during this interim period.¹⁹⁶ To the extent required, we waive here Commission rule 54.706(b) for the duration of this requirement.¹⁹⁷

59. We recognize that, by requiring on an interim basis that both the underlying carrier and the interconnected VoIP provider contribute based (in part) on the revenues derived from providing the underlying transmission, the Fund may receive contributions from telecommunications revenues associated with the same facilities two times. We emphasize that this is a temporary measure, and we do not take this step lightly. We are concerned, however, that if carriers are permitted to invoke the carrier’s carrier rule immediately to exclude revenues from interconnected VoIP providers, the result could be a net decrease in the Fund in the short term. Such a result would be inconsistent with our obligation to ensure a sufficient and sustainable Fund and to preserve and advance universal service.¹⁹⁸ By continuing to require contributions from carriers supplying transmission facilities to interconnected VoIP providers for an additional two quarters, we eliminate any risk of decreasing the Fund while we implement contribution obligations for interconnected VoIP providers. Further, we find nothing in section 254 of the 1996 Act that prohibits this interim approach.

60. *Reporting Requirements.* Providers of interconnected VoIP services will follow the same basic USF reporting procedures as other providers of interstate and international telecommunications, using the same forms and filing instructions. Contributors to USF report historical gross-billed, projected gross-billed, and projected collected end-user interstate and international revenues quarterly on FCC Form 499-Q.¹⁹⁹ Interconnected VoIP service providers will be required to file FCC Form 499-Q beginning on August 1, 2006.²⁰⁰ Contributors report gross-billed and actual collected end-user interstate and international revenues on FCC Form 499-A on April 1 of each year.²⁰¹ Interconnected VoIP service providers will be required to file a completed FCC Form 499-A beginning on April 1, 2007.

61. Under Commission rules, a provider of interstate and international telecommunications whose annual universal service contribution is expected to be less than \$10,000 is not required to contribute to the USF, or to file a Telecommunications Reporting Worksheet unless it is required to contribute to other support and cost recovery mechanisms.²⁰² Interconnected VoIP providers that satisfy

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revenues. See *VON Coalition June 14, 2006 Ex Parte Letter* at 3.

¹⁹⁶ See 47 C.F.R. § 54.706(b) (basing contributions on “end-user telecommunications revenues”).

¹⁹⁷ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1158-59 (D.C. Cir. 1969), *aff’d*, 459 F.2d 1203 (D.C. Cir. 1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁹⁸ See 47 U.S.C. §§ 254(b), (d).

¹⁹⁹ See *Second Wireless Safe Harbor Order*, 17 FCC Rcd at 24969, para. 29.

²⁰⁰ Interconnected VoIP providers who will be submitting the FCC Form 499-Q for the first time because of this Order are not required to complete lines 115-118 on the Form until they submit the Form for the February 1, 2007 deadline. All other portions of the Form must be completed beginning with the submissions due August 1, 2006. Cf. *Qwest June 13, 2006 Ex Parte Letter* at 2.

²⁰¹ See *Second Wireless Safe Harbor Order*, 17 FCC Rcd at 24969, para. 29. The FCC Forms 499-A and 499-Q and instructions, along with information for new service providers and contributors, are posted on USAC’s website at: <http://forms.universalservice.org>.

²⁰² See 47 C.F.R. § 54.708; Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-A, at 5, 31, April 2006. Section 254(d) of the Act states that the Commission may exempt a carrier or class of carriers from contributing to the universal service mechanisms if the “carrier’s contribution to the preservation and advancement of universal service would be *de minimis*.” 47 U.S.C. § 254(d). Providers that qualify for the *de minimis* exemption are considered end users for USF reporting purposes, and they must notify the carriers from which they purchase telecommunications that they are exempt from contribution requirements and must be considered end users for USF contribution purposes. See *Federal-State Joint Board on Universal Service; Access Charge Reform, Price Cap*

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this *de minimis* exemption need not contribute to the Fund.²⁰³ We find, however, that it is appropriate to require all providers of interconnected VoIP services – including those that satisfy the *de minimis* exemption – to register with the Commission in order to facilitate our enforcement of the obligations the Commission has imposed in this Order on providers of interconnected VoIP services.²⁰⁴ In order to fulfill this reporting requirement, every interconnected VoIP provider that has not already registered with the Commission (and designated an agent for service of process) must complete and file an FCC Form 499-A with blocks 1, 2, and 6 completed.²⁰⁵ Providers should refer to the instructions on the revised FCC Form 499-A for additional details on how to complete this registration requirement. Interconnected VoIP providers will receive an FCC Registration Number (FRN) when they register with the Commission. Because providers must have an FRN in order to submit required USF filings, it is the responsibility of the interconnected VoIP provider to register with the Commission and obtain an FRN prior to the August 1, 2006 deadline for filing FCC Form 499-Q.

62. Finally, interconnected VoIP providers must comply with the Commission's rules with respect to recovering USF contributions from their customers. Contributors may choose to recover part or all of their universal service contributions from their customers, but they are prohibited from marking up universal service line-item amounts above the relevant contribution factor.²⁰⁶

IV. TECHNICAL MATTERS

63. This Order shall be effective upon publication in the Federal Register, subject to OMB approval for new information collection requirements. We find good cause for the Order to be effective upon publication because the Order is necessary to maintain the stability and sufficiency of the universal

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Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge, Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, 13 FCC Rcd 5318, 5482, para. 298 (1997).

²⁰³ The \$10,000 revenue limit is an annual limit. Because an interconnected VoIP provider may, as a result of this Order, contribute to the Fund for the first time in the fourth quarter of 2006, we find that such an interconnected VoIP provider will satisfy the *de minimis* exemption for this quarter only if its fourth-quarter 2006 contributions would be less than \$2,500.

²⁰⁴ See, e.g., 47 C.F.R. § 54.707 (authorizing the Fund administrator to audit Fund contributors).

²⁰⁵ We require interconnected VoIP providers to register with the Commission and designate an agent for service of process pursuant to section 4(i) of the Act. See 47 U.S.C. 154(i). Cf. 47 C.F.R. § 64.1195; *Consumer Information Bureau Reminds Telecommunications Carriers of Their Obligations to Register and Designate an Agent for Service of Process*, CC Docket No. 94-129, Public Notice, 17 FCC Rcd 1736 (2002) (describing the Commission's registration requirements for telecommunications carriers).

²⁰⁶ See 47 C.F.R. § 54.712; see also *Second Wireless Safe Harbor Order*, 17 FCC Rcd at 24976-83, paras. 45-63. Furthermore, we note that in the *Wireline Broadband Internet Access Order*, the Commission permitted facilities-based providers to cease providing the transmission component underlying that service as a separate common carrier service if they choose. See *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities; Universal Service Obligations of Broadband Providers; Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services; Computer III Further Remand Proceedings*, CC Docket Nos. 02-33, 01-337, 95-20, 98-10, Report and Order, 20 FCC Rcd 14853, 14899-14900, paras. 87-88 (2005). To the extent that a provider has discontinued providing that service as a common carrier service, it is not required to contribute to the universal service fund based on the revenues derived from providing that transmission service after the expiration of the 270 day contribution freeze period. See *id.* at 14915-16, para. 113. Any line item on a customer bill should reflect only those universal service contributions that a provider is required to make, consistent with rule 54.712. See Letter from Mark J. O'Connor, Counsel to EarthLink, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 02-33, at 1 (filed June 7, 2006).

service fund, as required by section 254(d) of the 1996 Act.²⁰⁷ Specifically, the Order must be effective by August 1, 2006, the date by which contributors must submit their Form 499-Q filings containing their revenue projections for the fourth quarter of 2006, so that fourth quarter contributions to Fund will include revenues from interconnected VoIP and wireless services as contemplated herein. Including these additional revenues as soon as the fourth quarter of 2006 is essential to ensure the sustainability of the Fund in the near-term while the Commission continues to examine more fundamental reform.

64. On our own motion, we amend section 54.5 of our rules to correct a typographical error. Section 54.5 currently defines “contributor” as “an entity required to contribute to the universal service support mechanisms pursuant to § 54.703.”²⁰⁸ Section 54.706 addresses which entities are required to contribute to the universal service support mechanisms, not section 54.703.²⁰⁹ Accordingly, we amend section 54.5 to define “contributor” as “an entity required to contribute to the universal service support mechanisms pursuant to § 54.706.” Further, in the sections of our rules that we revise to conform to this Order, we also remove references to our contribution methodology prior to April 1, 2003 which are now outdated. Because these rule changes are non-substantive, the notice and comment and effective date provisions of the Administrative Procedure Act are inapplicable.²¹⁰

V. NOTICE OF PROPOSED RULEMAKING

65. In this Notice, we seek to further refine the record concerning the interim requirements established in the accompanying Order for mobile wireless providers and for interconnected VoIP providers, while we continue to examine more fundamental contribution methodology reform.²¹¹ In the Order, we increased the interim wireless safe harbor from 28.5 percent to 37.1 percent to reflect more accurately actual wireless interstate usage.²¹² We also require providers of interconnected VoIP service to contribute to the Fund, by reporting their actual interstate revenues, by using a traffic study (if approved by the Commission), or by using a safe harbor of 64.9 percent.²¹³

66. First, we seek comment on whether to eliminate or raise the interim wireless safe harbor. Wireless providers may base contributions on actual interstate and international revenues or on traffic studies conducted to approximate these revenues.²¹⁴ In light of these options, we seek comment on whether we should eliminate the interim wireless safe harbor or whether there remains a need to

²⁰⁷ See 5 U.S.C. § 553(d)(3) (“The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except ... as otherwise provided by the agency for good cause found and published with the rule.”). See also 47 C.F.R. §§ 1.103(a), 1.427(b).

²⁰⁸ 47 C.F.R. § 54.5.

²⁰⁹ Compare 47 C.F.R. § 54.706 with 47 C.F.R. § 54.703.

²¹⁰ 5 U.S.C. § 553.

²¹¹ We hereby incorporate the comments, *ex parte* presentations, and any other submissions on the universal service contribution methodology filed in CC Docket Nos. 96-45, 98-171, 90-571, 92-237/NSD File No. L-00-72, 99-200, 95-116, 98-170, and WC Docket No. 04-36 into WC Docket No. 06-122. Commenters need not resubmit material previously filed in those proceedings in WC Docket No. 06-122. The Initial Regulatory Flexibility Analysis for this Notice is set forth in Appendix F.

²¹² See *supra* para. 23; see also TracFone Jun.14 *Ex Parte* Letter, Attach. 2 at 13.

²¹³ See *supra* para. 52.

²¹⁴ See *supra* paras. 23-33. For example, Verizon Wireless suggested that wireless carriers could use call detail records and baseline assumptions to develop a reasonable proxy for allocating wireless revenues for USF purposes. See Verizon Wireless Oct. 28, 2002 *Ex Parte* Letter, Attach. at 1 (proposing that wireless carriers use cell site and area code information, among other things, to determine the percentage of minutes attributable to interstate and international calls, and then apply that percentage to all qualifying end-user revenues).

perpetuate a wireless safe harbor. We seek comment on whether mobile wireless providers can, or should be able to, determine their actual interstate and international end-user revenues. If we decide to eliminate the wireless safe harbor, we seek comment on how mobile wireless providers would determine their actual usage and whether we should continue to permit wireless providers to use traffic studies. For example, the study relied on in the Order utilized originating and terminating Numbering Plan Areas (NPAs), or area codes, to identify interstate revenues.²¹⁵ We seek comment on whether originating and terminating NPAs reflect whether a call is interstate or international. We also seek comment on whether originating and terminating cell sites could be used to determine the jurisdictional nature of a call. Are there other methods of determining jurisdiction? We ask commenters to address associated difficulties and costs of implementation. We also seek comment on whether there are unique difficulties associated with analyzing either outgoing or incoming calls, and whether it is necessary to analyze both types of calls or would, for example, out-bound calls reasonably approximate all interstate and international usage.²¹⁶

67. If we decide to retain a wireless safe harbor, we seek comment on whether a safe harbor of 37.1 percent for interstate and international end-user revenue is appropriate or whether the safe harbor should be raised. Given that mobile wireless providers retain the option of reporting their actual interstate end-user telecommunications revenues, we have found that setting the interim safe harbor at the high end of the market for interstate and international end-user revenue is a reasonable approach.²¹⁷ If 37.1 percent does not reflect the high end of the market, what percentage does? Since 1998, we have increased the interim wireless safe harbor twice to reflect more accurately wireless interstate end-user revenue.²¹⁸ We are mindful that these increases in the safe harbor percentage lagged market conditions, resulting in collecting fewer Fund contributions than market conditions would have supported.²¹⁹ We seek comment on how to determine the safe harbor percentage to better reflect market conditions on an ongoing basis. For example, should we periodically (*e.g.*, annually, quarterly) adjust the interim safe harbor percentage to reflect wireless interstate end-user revenue trends? If so, how would we establish these trends?

68. Second, we seek comment on the USF obligations we have established in this Order for interconnected VoIP providers. We encourage commenters to describe possible ways in which our new requirements for interconnected VoIP providers could be improved. Given the interim nature of this Order, we welcome suggestions for a permanent approach to USF contributions from interconnected VoIP providers.

69. In particular, we seek comment on whether to eliminate or change the interim safe harbor we establish in the Order for providers of interconnected VoIP service. We ask commenters to address whether a safe harbor continues to be appropriate for providers of interconnected VoIP service. Can providers of interconnected VoIP service identify the amount of actual interstate and international, as opposed to intrastate, telecommunications they provide? If so, should we require that these providers report based on actual data? If not, is 64.9 percent the most appropriate level, or should we adjust the interim interconnected VoIP safe harbor?²²⁰ We ask that commenters advocating a change to the safe

²¹⁵ See *supra* n.96.

²¹⁶ See TracFone Jun.14 *Ex Parte* Letter, Attach. 2 at 7 (relying only on outgoing calls).

²¹⁷ See *supra* para. 26.

²¹⁸ We have increased the wireless safe harbor from 15% in 1998, to 28.5% in 2002, to 37.1% in this Order. See *First Wireless Safe Harbor Order*, 13 FCC Rcd at 21257, para. 11; *Second Wireless Safe Harbor Order*, 17 FCC Rcd at 24965, para. 21; *supra* para. 23.

²¹⁹ For example, the safe harbor percentage adopted in this Order is based on bill harvesting data that is almost two years old. See TracFone Jun.14 *Ex Parte* Letter, Attach. 2 (using third quarter 2004 data).

²²⁰ See *supra* para. 53.

harbor explain the basis of their proposed revised safe harbor and how the safe harbor should be calculated.

70. *New Docket.* In this Notice, we open a new docket – WC Docket No. 06-122. All filings made in response to this Notice and those addressing the Commission’s universal service contribution methodology rules generally, should be filed in WC Docket No. 06-122. Although we urge parties that previously filed in CC Docket Nos. 96-45, 98-171, 90-571, 92-237/NSD File No. L-00-72, 99-200, 95-116, 98-170, or WC Docket No. 04-36 on the universal service contribution methodology to re-file in new WC Docket No. 06-122, such filings nevertheless will be considered in this proceeding. Therefore, we incorporate by reference comments filed in CC Docket Nos. 96-45, 98-171, 90-571, 92-237/NSD File No. L-00-72, 99-200, 95-116, 98-170, or WC Docket No. 04-36 that are responsive to the issues raised in this proceeding. CC Docket Nos. 96-45, 98-171, 90-571, 92-237/NSD File No. L-00-72, 99-200, 95-116, 98-170, and WC Docket No. 04-36 will remain open for other non-universal service contribution methodology related filings.

VI. PROCEDURAL MATTERS

A. Final Regulatory Flexibility Analysis

71. As required by the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. § 604, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this document. The FRFA is set forth in Appendix E.

B. Initial Regulatory Flexibility Analysis

72. As required by the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this document. The IRFA is set forth in Appendix F. Written public comments are requested on this IFRA. Comments must be identified as responses to the IFRA and must be filed by the deadlines for comments on the Notice provided below in section VI.E.

C. Paperwork Reduction Act Analysis

73. This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new information collection requirements contained in this proceeding.

D. Congressional Review Act

74. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act (CRA), *see* 5 U.S.C. § 801(a)(1)(A).

E. Comment Filing Procedures

75. Pursuant to sections 1.415 and 1.419 of the Commission’s rules,²²¹ interested parties may file comments on this NPRM within 30 days after publication in the Federal Register and may file reply

²²¹ 47 C.F.R. §§ 1.415, 1.419.

comments within 60 days after publication in the Federal Register. All filings related to this Order and the Notice of Proposed Rulemaking shall refer to WC Docket No. 06-122 only. We hereby incorporate the comments, *ex parte* presentations, and any other submissions on the universal service contribution methodology filed in CC Docket No. 96-45, CC Docket No. 98-171, CC Docket No. 90-571, CC Docket No. 92-237/NSD File No. L-00-72, CC Docket No. 99-200, CC Docket No. 95-116, CC Docket No. 98-170, and WC Docket No. 04-36. Commenters need not resubmit material previously filed in those proceedings in WC Docket No. 06-122.

76. Comments may be filed using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.²²²

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies 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 (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 should be addressed to 445 12th Street, SW, Washington DC 20554.

77. Parties must also send a courtesy copy of their filing to Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications

²²² See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. Antoinette Stevens's email address is Antoinette.Stevens@fcc.gov and telephone number is (202) 418-7387.

78. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C., 20554. Copies may also be purchased from the Commission's duplicating contractor, BCPI, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554. Customers may contact BCPI through its website: www.bcpiweb.com, by e-mail at fcc@bcpiweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

79. For further information regarding this proceeding, contact Amy Bender, Wireline Competition Bureau, (202) 418-1469, e-mail: Amy.Bender@fcc.gov.

80. In addition to filing comments with the Secretary, a copy of any Paperwork Reduction Act (PRA) comments on the information collection(s) contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, S.W., Washington, D.C. 20554, or via the Internet to Judith-B.Herman@fcc.gov, and to Kristy L. LaLonde, OMB Desk Officer, Room 10234 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 via the Internet to [Kristy L. LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov) or by fax to (202) 395-5167.

F. Accessible Formats

81. 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) 418-0531 (voice), (202) 418-7365 (TTY).

VII. ORDERING CLAUSES

82. Accordingly, IT IS ORDERED that, pursuant to 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, 218-220, 254, and 303(r), this Report and Order and Notice of Proposed Rulemaking in WC Docket No. 06-122, CC Docket No. 96-45, CC Docket No. 98-171, CC Docket No. 90-571, CC Docket No. 92-237/NSD File No. L-00-72, CC Docket No. 99-200, CC Docket No. 95-116, CC Docket No. 98-170, and WC Docket No. 04-36 IS ADOPTED, Part 54 of the Commission's Rules, 47 C.F.R. Part 54, IS AMENDED as set forth in Appendix A, Form 499-A IS AMENDED as set forth in Appendix C, and Form 499-Q IS AMENDED as set forth in Appendix D. The Report and Order shall become effective upon publication in the Federal Register. The information collection contained in the Report and Order will become effective following OMB approval.²²³ The Commission will publish a document at a later date establishing the effective date.

83. IT IS FURTHER ORDERED that, pursuant to 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, 218-220, 254, and 303(r), any mobile wireless provider that uses a traffic study to report actual interstate revenue data for universal service contribution purposes SHALL SUBMIT the traffic study to the Commission and to USAC.

84. IT IS FURTHER ORDERED that, pursuant to 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, 218-220, 254, and 303(r), any provider of interconnected VoIP service that proposes to use a traffic

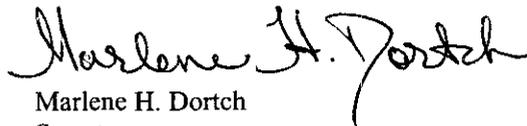
²²³ In light of the importance of these rules, the Commission is seeking emergency approval from OMB. The Commission will issue a public notice announcing the date upon which the information collection requirements set forth in this Order shall become effective following receipt of such emergency approval.

study to report actual interstate revenue data for universal service contribution purposes SHALL PETITION the Commission for approval of its proposed traffic study.

85. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

86. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch
Secretary

APPENDIX AFINAL RULES

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 C.F.R. Parts 1 and 54 as follows:

PART 1 – PRACTICE AND PROCEDURE

1. The authority citation for Part 1 continues to read as follows:

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, and 303(r).

2. Amend § 1.47 by revising paragraph (h) to read as follows:

§ 1.47 Service of documents and proof of service.

* * * * *

(h) Every common carrier and interconnected VoIP provider, as defined in section 54.5 of these rules, that is subject to the Communications Act of 1934, as amended, shall designate an agent in the District of Columbia, and may designate additional agents if it so chooses, upon whom service of all notices, process, orders, decisions, and requirements of the Commission may be made for and on behalf of such carrier or interconnected VoIP provider in any proceeding before the Commission. Such designation shall include, for both the carrier or interconnected VoIP provider and its designated agents, a name, business address, telephone or voicemail number, facsimile number, and, if available, Internet e-mail address. Such carrier or interconnected VoIP provider shall additionally list any other names by which it is known or under which it does business, and, if the carrier or interconnected VoIP provider is an affiliated company, the parent, holding, or management company. Within thirty (30) days of the commencement of provision of service, such carrier or interconnected VoIP provider shall file such information with the Chief of the Enforcement Bureau's Market Disputes Resolution Division. Such carriers and interconnected VoIP providers may file a hard copy of the relevant portion of the Telecommunications Reporting Worksheet, as delineated by the Commission in the Federal Register, to satisfy this requirement. Each Telecommunications Reporting Worksheet filed annually by a common carrier or interconnected VoIP provider must contain a name, business address, telephone or voicemail number, facsimile number, and, if available, Internet e-mail address for its designated agents, regardless of whether such information has been revised since the previous filing. Carriers and interconnected VoIP providers must notify the Commission within one week of any changes in their designation information by filing revised portions of the Telecommunications Reporting Worksheet with the Chief of the Enforcement Bureau's Market Disputes Resolution Division. A paper copy of this designation list shall be maintained in the Office of the Secretary of the Commission. Service of any notice, process, orders, decisions or requirements of the Commission may be made upon such carrier or interconnected VoIP provider by leaving a copy thereof with such designated agent at his office or usual place of residence. If such carrier or interconnected VoIP provider fails to designate such an agent, service of any notice or other process in any proceeding before the Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the Office of the Secretary of the Commission.

PART 54 – UNIVERSAL SERVICE

3. The authority citation for Part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

4. Amend § 54.5 by correcting the definition of “contributor” and adding the definition of “interconnected VoIP provider” in alphabetical order to read as follows:

§ 54.5 Terms and definitions.

* * *

Contributor. The term “contributor” shall refer to an entity required to contribute to the universal service support mechanisms pursuant to § 54.706.

* * *

Information Service. * * *

Interconnected VoIP Provider. An “interconnected VoIP provider” is an entity that provides interconnected VoIP service, as that term is defined in section 9.3 of these rules.

* * *

5. Amend § 54.706 by revising paragraphs (a), (a)(16), (a)(17), by adding paragraph (a)(18), and by revising paragraphs (b) and (c):

§ 54.706 Contributions.

(a) Entities that provide interstate telecommunications to the public, or to such classes of users as to be effectively available to the public, for a fee will be considered telecommunications carriers providing interstate telecommunications services and must contribute to the universal service support mechanisms. Certain other providers of interstate telecommunications, such as payphone providers that are aggregators, providers of interstate telecommunications for a fee on a non-common carrier basis, and interconnected VoIP providers, also must contribute to the universal service support mechanisms. Interstate telecommunications include, but are not limited to:

* * *

(16) Resale of interstate services;

(17) Payphone services; and

(18) Interconnected VoIP services.

(b) Except as provided in paragraph (c) of this section, every entity required to contribute to the federal universal service support mechanisms under paragraph (a) of this section shall contribute on the basis of its projected collected interstate and international end-user telecommunications revenues, net of projected contributions.

(c) Any entity required to contribute to the federal universal service support mechanisms whose projected collected interstate end-user telecommunications revenues comprise less than 12 percent of its combined projected collected interstate and international end-user telecommunications revenues shall contribute based only on such entity’s projected collected interstate end-user telecommunications revenues, net of projected contributions. For purposes of this paragraph, an “entity” shall refer to the entity that is subject

to the universal service reporting requirements in § 54.711 and shall include all of that entity's affiliated providers of interstate and international telecommunications and telecommunications services.

* * * * *

6. Amend § 54.708 to add a new sentence after the first sentence to read as follows:

§ 54.708 De minimis exemption.

* * * The foregoing notwithstanding, all interconnected VoIP providers, including those whose contributions would be *de minimis*, must file the Telecommunications Reporting Worksheet. * * *

7. Amend § 54.712 by revising the section heading and paragraph (a) to read as follows:

§ 54.712 Contributor recovery of universal service costs from end users.

(a) Federal universal service contribution costs may be recovered through interstate telecommunications-related charges to end users. If a contributor chooses to recover its federal universal service contribution costs through a line item on a customer's bill the amount of the federal universal service line-item charge may not exceed the interstate telecommunications portion of that customer's bill times the relevant contribution factor.

* * * * *

APPENDIX BLIST OF COMMENTERSLIST OF COMMENTERS IN CC DOCKET NO. 96-45

Ad Hoc Telecommunications Users Committee	Ad Hoc
Alaska Telephone Association	ATA
Allied Personal Communications Industry Association of California	Allied
AOL Time Warner Inc.	AOL
American Association of Paging Carriers	AAPC
American Mobile Telecommunications Assoc. Inc.	AMTA
American Public Communications Council	APCC
Arch Wireless, Inc.	Arch
Association of Communications Enterprises	ASCENT
AT&T Corp.	AT&T
AT&T Wireless Services, Inc.	AWS
BBG Communications, Inc.	BBG
Beacon Telecommunications Advisors, LLC	Beacon
BellSouth Corporation	BellSouth
BT North America Inc.	BTNA
California Public Utilities Commission and The People of the State of California	CPUC
Coalition for Sustainable Universal Service	CoSUS
Competitive Telecommunications Association	CompTel
Concerned Paging Carriers	CPC
Consumer's Union, Texas Office of Public Utility Counsel, Consumer Federation of America Appalachian People's Action Coalition, Center for Digital Democracy, Edgemont Neighborhood Coalition, and Migrant Legal Action Program	CU et al.
ePHONE Telecom, Inc.	ePHONE
Fred Williamson and Associates, Inc.	FW&A
General Services Administration	GSA
Home Telephone Company, Inc., Bluffton Telephone Co., Inc., Hargray Telephone Co., Inc., Chesnee Telephone Co., Chester Telephone Co., Lockhart Telephone Co., Inc. Ridgeway Telephone Co., Inc. Farmers Telephone Co., Inc. Palmetto Rural Telephone Cooperative, Inc. PBT Telecom, Inc. Piedmont Rural Telephone Cooperative, Inc. Sandhill Telephone Cooperative, Inc. Sandwich Isles Communications, Inc., and	Home et al.

Yukon Telephone Co., Inc.	
Information Technology Association of America	ITAA
National Association of State Utility Consumer Advocates	NASUCA
National Exchange Carrier Association, Inc.	NECA
National Rural Telecom Association and the Organization for Promotion and Advancement of Small Telecom Companies	NRTA and OPASTCO
National Telecommunications Cooperative Association	NTCA
Nebraska Independent Companies	Nebraska
Nextel Communications, Inc.	Nextel
OnStar Corporation	OnStar
PaeTec Communications, Inc.	PaeTec
Rural Cellular Association, The	RCA
Rural Independent Competitive Alliance, The	RICA
SBC Communications Inc.	SBC
Sprint Corporation	Sprint
Texas, State of	Texas
Teletouch Communications, Inc.	Teletouch
Time Warner Telecom, XO Communications, and Allegiance Telecom	Time Warner
TracFone Wireless, Inc.	TracFone
United States Cellular Corporation	USCC
United States Telecom Association	USTA
Verizon Telephone Companies	Verizon
Verizon Wireless	Verizon Wireless
Vincent J. Stoneking	V. Stoneking
Virgin Mobiles USA, LLC	Virgin Mobile
VoiceStream Wireless Corporation	VoiceStream
Western Wireless Corporation	Western Wireless
Working Assets Funding Service, Inc.	Working Assets
WorldCom, Inc.	WorldCom

LIST OF REPLY COMMENTERS IN CC DOCKET NO. 96-45

Alaska Communications Systems	ACS
AOL Time Warner Inc.	AOL
American Public Communications Council	APCC
Arch Wireless	Arch
Association of Communications Enterprises	ASCENT
Association for Local Telecommunications Services	ALTS
BellSouth Corporation	BellSouth
BT North America	BTNA
Cable & Wireless USA, Inc.	C&W
Coalition for Sustainable Universal Service	CoSUS
Concerned Paging Carriers AirCall, Inc. The Beeper People, Inc. Business Service Center, Inc. Com-Nav Inc., d/b/a Radio Telephone of Maine Cook telecom, Inc., Lubbock Radio Paging Service, Inc. Mobile Phone of Texas, Inc. Mobilpage, Inc. Omnicom Paging Plus, LLC Page-All, LLC Professional Answering Service, Inc. RCC Inc., d/b/a/ Radio Comm. Co. RediCall Communications Co. Robert F. Ryder d/b/a Radio Paging Service Salisbury Mobile Telephone, Inc. SEMA-PHOON, Inc. d/b/a/ R.A. Communications, and Starpage, Inc.	CPC
Consumer's Union, Texas Office of Public Utility Counsel, Consumer Federation of America Appalachian People's Action Coalition, Center for Digital Democracy, Edgemont Neighborhood Coalition, and Migrant Legal Action Program	CU et al.
Earthlink, Inc.	Earthlink
Industrial Telecommunications Association, Inc.	ITA
Information Technology Association of America	ITAA
National ALEC Association/Prepaid Communications Association	NALA
National Rural Telecom Association Organization for the Promotion and Advancement	NRTA and OPASTCO
National Telecommunications Cooperative Association	NTCA
Nextel Communications, Inc.	Nextel
Public Utilities Commission of Ohio	OhioPUC
OnStar Corporation	OnStar
SBC Communications Inc.	SBC
Sprint Corporation	Sprint

Southern Communications Services, Inc. d/b/a Southern LINC	Southern
Texas, State of	Texas
TracFone Wireless, Inc.	Tracfone
United States Cellular Corporation	USCC
Verizon Telephone Companies	Verizon
Verizon Wireless	Verizon Wireless
Voice on the Net Coalition	VON
Voicestream Wireless Corporation	Voicestream
Western Alliance	Western
Worldcom, Inc.	Worldcom

LIST OF COMMENTERS IN WC DOCKET NO. 04-36

Comments	Abbreviation
8X8, Inc.	8X8
AARP	AARP
ACN Communications Services, Inc.	ACN
Ad Hoc Telecommunications Users Committee	Ad Hoc
Alcatel North America	Alcatel
Alliance for Public Technology	APT
America's Rural Consortium	ARC
American Foundation for the Blind	AFB
American Public Communications Council	APCC
Amherst, Massachusetts Cable Advisory Committee	Amherst CAC
Arizona Corporation Commission	Arizona Commission
Artic Slope Telephone Association Cooperative, Inc. Cellular Mobile Systems of St. Cloud, LLC d/b/a Cellular 2000 Comanche County Telephone, Inc. DeKalb Telephone Cooperative, Inc. d/b/a DTC Communications Grand River Mutual Telephone Corporation Interstate 35 Telephone Company KanOkla Telephone Association, Inc. Siskiyou Telephone Company Uintah Basin Telecommunications Association, Inc. Vermont Telephone Company, Inc. Wheat State Telephone, Inc.	Artic Slope <i>et al.</i>
Association for Communications Technology Professionals in Higher Education	ACUTA
Association for Local Telecommunications Services	ALTS
Association of Public-Safety Communications Officials- International, Inc.	APCO
AT&T Corporation	AT&T
Attorney General of the State of New York	New York Attorney General
Avaya, Inc.	Avaya
BellSouth Corporation	BellSouth
Bend Broadband Cebridge Connections, Inc. Insight Communications Company, Inc. Susquehanna Communication	Bend Broadband <i>et al.</i>
Boulder Regional Emergency Telephone Service Authority	BRETSA
BT Americas Inc.	BTA
Cablevision Systems Corp.	Cablevision
Callipso Corporation	Callipso
Cbeyond Communications, LLC GlobalCom, Inc. MPower Communications, Corp.	Cbeyond <i>et al.</i>
CenturyTel, Inc.	CenturyTel
Charter Communications	Charter
Cheyenne River Sioux Tribe Telephone Authority	Cheyenne Telephone Authority

Cisco Systems, Inc.	Cisco
Citizens Utility Board	CUB
City and County of San Francisco	San Francisco
City of New York	New York City
Comcast Corporation	Comcast
Communication Service for the Deaf, Inc.	CSD
Communications Workers of America	CWA
CompTel/ASCENT	CompTel
Computer & Communications Industry Association	CCIA
Computing Technology Industry Association	CompTIA
Consumer Electronics Association	CEA
Covad Communications	Covad
Cox Communications, Inc.	Cox
CTIA-The Wireless Association	CTIA
Department of Homeland Security	DHS
DialPad Communication, Inc. ICG Communications, Inc. Qovia, Inc. VoicePulse, Inc.	Dialpad <i>et al.</i>
DJE Teleconsulting, LLC	DJE
Donald Clark Jackson	Jackson
EarthLink, Inc.	EarthLink
EDUCAUSE	EDUCAUSE
Electronic Frontier Foundation	EFF
Enterprise Communications Association	ECA
Federation for Economically Rational Utility Policy	FERUP
Francois D. Menard	Menard
Frontier and Citizens Telephone Companies	Frontier/Citizens
General Communications, Inc.	GCI
Global Crossing North America, Inc.	Global Crossing
GVNW Consulting, Inc.	GVNW
ICORE, Inc.	ICORE
IEEE-USA	IEEE-USA
Illinois Commerce Commission	Illinois Commerce Commission
Inclusive Technologies	Inclusive Technologies
Independent Telephone & Telecommunications Alliance	ITTA
Information Technology Association of America	ITAA
Information Technology Industry Council	ITIC
Interstate Telcom Consulting, Inc.	ITCI
Ionary Consulting	Ionary
Iowa Utilities Board	Iowa Commission
King County E911 Program	King County
Level 3 Communications LLC	Level 3
Lucent Technologies Inc.	Lucent Technologies
Maine Public Utilities Commissioners	Maine Commissioners
MCI	MCI
Microsoft Corporation	Microsoft
Minnesota Public Utilities Commission	Minnesota Commission
Montana Public Service Commission	Montana Commission
Motorola, Inc.	Motorola
National Association of Regulatory Utility Commission	NARUC

National Association of State Utility Consumer Advocates	NASUCA
National Association of Telecommunications Officers and Advisors National League of Cities National Association of Counties U.S. Conference of Mayors National Association of Towns and Townships Texas Coalition of Cities for Utility Issues Washington Association of Telecommunications Officers and Advisors Greater Metro Telecommunications Consortium Mr. Hood Cable Regulatory Commission Metropolitan Washington Council of Governments Rainier Communications Commission City of Philadelphia City of Tacoma, Washington Montgomery County, Maryland	NATOA <i>et al.</i>
National Cable & Telecommunications Association	NCTA
National Consumers League	NCL
National Emergency Number Association	NENA
National Exchange Carrier Association, Inc.	NECA
National Governors Association	NGA
National Grange	National Grange
National Telecommunications Cooperative Association	NTCA
Nebraska Public Service Commission	Nebraska Commission
Nebraska Rural Independent Companies	Nebraska Rural Independent Companies
Net2Phone, Inc.	Net2Phone
New Jersey Board of Public Utilities	New Jersey Commission
New Jersey Division of the Ratepayer Advocate	New Jersey Ratepayer Advocate
New York State Department of Public Service	New York Commission
NexVortex, Inc.	nexVortex
Nortel Networks	Nortel
Nuvio Corporation	Nuvio
Office of Advocacy, U.S. Small Business Administration	SBA
Office of the Attorney General of Texas	Texas Attorney General
Office of the People's Counsel for the District of Columbia	D.C. Counsel
Ohio Public Utilities Commission	Ohio Commission
Omnitor	Omnitor
Organization for the Promotion and Advancement of Small Telecommunications Companies	OPASTCO
Pac-West Telecomm, Inc.	Pac-West
People of the State of California and the California Public Utilities Commission	California Commission
Public Service Commission of the State of Missouri	Missouri Commission
Pulver.com	pulver.com
Qwest Communications International Inc.	Qwest
Rehabilitation Engineering Research Center on Telecommunications Access	RERCTA

Rural Independent Competitive Alliance	RICA
SBC Communications, Inc.	SBC
Self Help for Hard of Hearing People	SHHHP
Skype, Inc.	Skype
Sonic.net, Inc.	Sonic.net
SPI Solutions, Inc.	SPI Solutions
Spokane County 911 Communications	Spokane County 911
Sprint Corporation	Sprint
TCA, Inc. – Telecom Consulting Associates	TCA
Telecommunications for the Deaf, Inc	TDI
Telecommunications Industry Association	TIA
Tellme Networks, Inc	Tellme Networks
Tennessee Regulatory Authority	TRA
Texas Coalition of Cities for Utility Issues	TCCFUI
Texas Commission on State Emergency Communications.	TCSEC
Texas Department of Information Resources	Texas DIR
Time Warner Inc.	Time Warner
Time Warner Telecom	TWTC
TracFone Wireless, Inc.	TracFone
UniPoint Enhanced Services Inc. d/b/a PointOne	PointOne
United States Conference of Catholic Bishops Alliance for Community Media Appalachian People's Actions Coalition Center for Digital Democracy Consumer Action Edgemont Neighborhood Coalition Migrant Legal Action Program	USCCB <i>et al.</i>
United States Department of Justice	DOJ
United States Telecom Association	USTA
United Telecom Council The United Power Line Council	UTC <i>et al.</i>
USA Datanet Corporation	USAD Datanet
Utah Division of Public Utilities	Utah Commission
Valor Telecommunications of Texas, L.P. and Iowa Telecommunications Services, Inc.	Valor <i>et al.</i>
VeriSign, Inc.	VeriSign
Verizon Telephone Company	Verizon
Vermont Public Service Board	Vermont
Virgin Mobile USA, LLC	Virgin Mobile
Virginia State Corporation Commission	Virginia Commission
Voice on the Net Coalition	VON Coalition
Vonage Holdings Corp	Vonage
Western Telecommunications Alliance	WTA
WilTel Communications, LLC	WilTel
Wisconsin Electric Power Company Wisconsin Gas	Wisconsin Electric <i>et al.</i>
Yellow Pages Integrated Media Association	YPIMA
Z-Tel Communications, Inc.	Z-Tel

LIST OF REPLY COMMENTERS IN WC DOCKET NO. 04-36

Reply Comments	Abbreviation
8X8, Inc.	8X8
Ad Hoc Telecom Manufacturer Coalition	Ad Hoc Telecom Manufacturers Coalition
Ad Hoc Telecommunications Users Committee	Ad Hoc
Adam D. Thierer, Director of Telecommunications Studies, Cato Institute	Thierer
Alcatel North America	Alcatel
Alliance for Public Technology et al.	APT <i>et al.</i>
American Cable Association	ACA
American Electric Power Service Corporation Duke Energy Corporation Xcel Energy Inc.	American Electric Power <i>et al.</i>
Association for Local Telecommunications Services	ALTS
AT&T Corp.	AT&T
Avaya Inc.	Avaya
BellSouth Corporation	BellSouth
Broadband Service Providers Association	BSPA
Cablevision Systems Corp.	Cablevision
Callipso Corporation	Callipso
Central Station Alarm Association	CSAA
Cingular Wireless LLC	Cingular
Cisco Systems, Inc.	Cisco
City and County of San Francisco	San Francisco
Comcast Corporation	Comcast
CompTel/Ascent	CompTel
Consumer Electronics Association	CEA
Consumer Federation of America Consumers Union	CFA <i>et al.</i>
Covad Communications	Covad
CTC Communications Corp.	CTS
CTIA-The Wireless Association	CTIA
Department of Defense	DoD
Donald Clark Jackson	Jackson
EarthLink, Inc.	EarthLink
Educause	Educause
Enterprise Communications Association	ECA
Ericsson Inc.	Ericsson
Florida Public Service Commission	Florida Commission
Francois D. Menard	Menard
General Communication (GCI)	GCI
Global Crossing North America, Inc.	Global Crossing
Independent Telephone & Telecommunications Alliance	ITTA
Information Technology Association of America	Information Technology Association of America
Intergovernmental Advisory Committee	IAC
Intrado Inc.	Intrado
Knology, Inc.	Knology
Level 3 Communications LLC	Level 3
Massachusetts Office of the Attorney General	Massachusetts Attorney General

MCI	MCI
Montana Public Service Commission	Montana Commission
Motorola, Inc.	Motorola
National Association of State Utility Consumer Advocates	NASUCA
National Association of Telecommunications Officers and Advisors National League of Cities National Association of Counties U.S. Conference of Mayors National Association of Towns and Townships Texas Coalition of Cities for Utility Issues Washington Association of Telecommunications Officers and Advisors Greater Metro Telecommunications Consortium Mr. Hood Cable Regulatory Commission Metropolitan Washington Council of Governments Rainier Communications Commission City of Philadelphia City of Tacoma, Washington Montgomery County, Maryland	NATOA <i>et al.</i>
National Cable & Telecommunications Association	NCTA
National Emergency Number Association	NENA
National Exchange Carrier Association, Inc.	NECA
Nebraska Public Service Commission	Nebraska Commission
Nebraska Rural Independent Companies	Nebraska Rural Independent Companies
Net2Phone, Inc.	Net2Phone
New Jersey Division of the Ratepayer Advocate	New Jersey Ratepayer Advocate
New York State Department of Public Service	New York Commission
Nextel Communications, Inc.	Nextel
Nuvio Corporation	Nuvio
Office of the People's Counsel for the District of Columbia	D.C. Counsel
Organization for the Promotion and Advancement of Small Telecommunications Companies	OPASTCO
Pac-West Telecomm, Inc.	Pac-West
Pennsylvania Public Utility Commission	Pennsylvania Commission
Public Service Commission of Wisconsin	Wisconsin Commission
Qwest Communications International Inc.	Qwest
Regulatory Studies Program (RSP) of the Mercatus Center at George Mason University	Mercatus Center
Rehabilitation Engineering Research Center on Telecommunications Access	RERCTA
RNKL, Inc. d/b/a RNK Telecom	RNK
Rural Independent Competitive Alliance	RICA
SBC Communications Inc.	SBC
Skype, Inc.	Skype
Southern Communications Services, Inc. d/b/a Southern LINC	Southern LINC
Sprint Corporation	Sprint
Telecommunications Industry Association	TIA