

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

In the Matter of:)
)
Petition of GENESIS COMMUNICATIONS) CC Docket No. 96-45
INTERNATIONAL, INC. for Declaratory)
Rulings Affirming Right to Distribution of)
Lifeline Assistance Revenues)

ADDITIONAL COMMENTS

By Public Notice released March 16, 2007,¹ the Commission has requested interested parties to refresh the record in the above-captioned proceeding.

In initial comments filed April 26, 2001, the National Exchange Carrier Association, Inc. (NECA) provided the Commission with background information on a lawsuit filed in 2000 by petitioner Genesis Communications International, Inc. (Genesis) in the US district court for the central district of California against NECA.² Genesis claimed it was owed retroactive payment of certain Lifeline Assistance support amounts for the period September 1996 through August 1997.³ The lawsuit was stayed by the court pending referral of Genesis' claims to the Commission.⁴

¹ *Additional Comment Sought on Petition of Genesis Communications International, Inc. for Declaratory Rulings Regarding Lifeline Assistance Revenues*, CC Docket No. 96-45, Public Notice, 22 FCC Rcd 5065 (2007).

² NECA Comments, *Petition of Genesis Communications International, Inc. for Declaratory Rulings Regarding Lifeline Assistance Revenues*, CC Docket No. 96-45 (Apr. 26, 2001).

³ Under Commission rules in effect during the period at issue, NECA was responsible for administering the Commission's universal service programs including distribution of Lifeline Assistance amounts. Effective January 1, 1998, however, the Commission appointed the Universal Service Administrative Company (USAC) to administer its universal service programs (including the Lifeline Assistance mechanism). At that time NECA transferred all universal service fund balances to USAC, and consequently has no means to provide additional Lifeline Assistance amounts to Genesis.

⁴ *Genesis Communications International, Inc. v. National Exchange Carrier Association, Inc.*, Case No. CV-00-10362 MMM (SHx), Stipulation and Order Staying Action (fil. Oct. 26, 2000) (CD Cal. 2000).

NECA has had no contact with Genesis since then, and is consequently unable to provide the Commission with any new or updated information in this proceeding. If Genesis (or a successor entity) remains in business and is interested in pursuing this matter, the Commission should issue a declaratory ruling resolving Genesis' claims. If the Commission determines additional Lifeline Assistance revenues are owed to Genesis, NECA again requests the Commission clarify that NECA no longer has responsibility for payment of such amounts and issue appropriate payment instructions to USAC instead.

If, on the other hand, Genesis should fail to press its claim or fail to show that it is owed additional Lifeline Assistance funds, NECA urges the Commission to issue an order denying or dismissing Genesis' petition with prejudice, so that NECA may in turn obtain dismissal of the underlying lawsuit before the district court.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER
ASSOCIATION, Inc.



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August 17, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of NECA's Additional Comments was served this 17th day of August, 2007 by electronic filing, and email to the persons listed below.

By: /s/ Elizabeth R. Newson
Elizabeth R. Newson

The following parties were served:

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