

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
IT&E Overseas, Inc.	)	
	)	
Petition for Protective Waiver of Section 54.209 of the Commission's Rules	)	CC Docket No. 96-45
	)	
Petition for Protective Waiver of Section 54.209 of the Commission's Rules	)	
	)	
Petition for Waiver of Sections 54.314, 54.809 and 54.904 of the Commission's Rules	)	
	)	

**REPLY COMMENTS OF PTI PACIFICA INC.**

PTI Pacifica Inc. ("PTI Pacifica"), by its attorneys, hereby files its reply to the initial comments submitted in response to the Commission's April 17 2008, Public Notice in the above-captioned matter.<sup>1</sup> IT&E Overseas, Inc., ("IT&E-O") filed three separate waiver petitions of the Commission's universal service fund ("USF") rules so that it may be deemed eligible to receive USF support in Guam. GTA TeleGuam filed comments in support of IT&E-O's waiver petitions.<sup>2</sup> PTI Pacifica concurs with GTA TeleGuam's analysis.

GTA TeleGuam states that "IT&E argues in its three separate petitions that (1) it had timely filed Interstate common Line Support ("ICLS") and Interstate Access Support ("IAS") self-certifications on a timely basis, (2) it had timely filed a high cost loop support self-certification, (3) it should be permitted to refile the high cost loop self-certification in the form

---

<sup>1</sup> Public Notice: *Comment Sought on Three Separate Petitions Filed by IT&E Overseas, Inc. for Waiver of Sections 54.209, 54.314, 54.809, and 54.904 of the Commission's Rules*, CC Docket No. 96-45, DA 08-877 (rel. April 17, 2008).

specified by the rules, and (4) the FCC should accept late-filed 2007 and 2008 compliance reports that certain ETCs must file.”<sup>3</sup>

GTA TeleGuam supports grant of IT&E-O’s waiver petitions, noting that IT&E-O made substantial efforts to file the appropriate certifications with the FCC on a timely basis but inadvertently failed to file the requisite paperwork at the correct address.<sup>4</sup> GTA TeleGuam also cited precedent demonstrating that the Commission in the past has accepted USF certifications that were late-filed due to inadvertence and because of the severe consequences that a disruption of USF support could cause.<sup>5</sup>

As GTA TeleGuam explains, the latter factor is especially important here because the FCC recently adopted an order establishing an interim cap on the amount of high-cost universal service support that competitive eligible telecommunications carriers (“CETCs”) can receive in any state or territory.<sup>6</sup> That cap is based on the level of support that CETCs in the state were eligible to receive in March 2008 on an annualized basis.<sup>7</sup> Because of this “snapshot” approach, if IT&E-O is not considered eligible for full USF support in March 2008, this could result in a sharp reduction in the aggregate amount of USF support that would be available to *all* CETCs on Guam for months and perhaps years to come. Such a result would seriously damage the ability of CETCs in Guam to maintain an adequate telecommunications infrastructure throughout Guam.<sup>8</sup> The consequences would be especially severe during the coming years when the

---

<sup>2</sup> Comments of GTA TeleGuam, CC Docket No. 96-45, May 19, 2008 (“GTA Comments”).

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 2-3 and note 3.

<sup>6</sup> See *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337 and CC Docket No. 96-45, *Order*, FCC 08-122 (rel. May 1, 2008).

<sup>7</sup> The territory of Guam is defined as a “state” for purposes of the Communications Act. 47 U.S.C. § 153(40).

<sup>8</sup> PTI Pacifica was certified as an eligible telecommunications carrier (“ETC”) in Guam by order of the Guam Public Utilities Commission issued January 7, 2008. In April 2008, PTI Pacifica  
(continued on next page)

population of Guam is projected to increase by roughly 25 percent because of the U.S. Government's decision to significantly strengthen its military presence on Guam.<sup>9</sup>

In summary, PTI Pacifica supports the comments of GTA TeleGuam and requests the FCC to grant IT&E-O the requested waivers so that the USF support received by CETCs on Guam includes the amount that IT&E-O normally would receive absent its inadvertent errors.

Respectfully submitted,

**PTI PACIFICA INC.**

\s\ Kenneth D. Patrich  
Kenneth D. Patrich  
Timothy J. Cooney

WILKINSON BARKER KNAUER, LLP  
2300 N Street, N.W., Suite 700  
Washington, D.C. 20037  
(202) 783-4141

Its Attorneys

Filed: June 3, 2008

---

filed applications with the Commission to acquire the telecommunications assets of IT&E-O. See ULS File No. 0003356838, ITC-ASG-20080404-00164, SES-ASG-20080404-00423, and WC Docket No. 08-54.

<sup>9</sup> See Blaine Harden, *Guam Braces for Peaceful Military Incursion; Buildup on U.S. Island Brings Fear of Change, Demand for Funds*, THE WASHINGTON POST, January 25, 2008, p. A1.

CERTIFICATE OF SERVICE

I, Timothy J. Cooney, do hereby certify that on this 3<sup>rd</sup> day of June, 2008, a copy of the foregoing "Reply Comments of PTI Pacifica Inc." was served via email upon the following:

Best Copy and Printing, Inc.  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room CY-B402  
Washington, DC 20554  
fcc@bcpiweb.com

Jennifer Prime  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-B550  
Washington, DC 20554  
[Jennifer.Prime@fcc.gov](mailto:Jennifer.Prime@fcc.gov)

David Duarte  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-B441  
Washington, DC 20554  
David.Duarte@fcc.gov

Benjamin H. Dickens, Jr.  
Mary J. Sisak  
Blooston, Mordkofsky, Dickens, Duffy  
& Prendergast, LLP  
2120 L Street, NW, Suite 300  
Washington, DC 20037  
bhd@bloostonlaw.com  
mjs@bloostonlaw.com

Eric Votaw  
Vice President, Regulatory/Marketing &  
Product Development  
GTA Teleguam, LLC  
624 North Marine Corps Drive  
Tamuning, Guam 96913  
evotaw@gta.net

Gregory J. Vogt  
Law Office of Gregory J. Vogt, PLLC  
2121 Eisenhower Ave.  
Suite 200  
Alexandria, VA 22314  
gvogt@vogtlawfirm.com

\_\_\_\_\_\s\ Timothy J. Cooney  
Timothy J. Cooney