

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

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In the Matter of	)	
	)	
Universal Service High Cost Filing Deadlines	)	WC Docket No. 08-71
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
T-Mobile USA, Inc. Petition for Waiver of Section	)	
54.307(c) of the Commission's Rules	)	
(SAC Nos. 639003 and 239005)	)	

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**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”) replies to the Public Notice<sup>1</sup> seeking comment on the company’s petition requesting for a one day waiver of the December 30, 2008 deadline to file line count information for high cost universal service support (the “Petition”).<sup>2</sup> The Petition, which is unopposed, is consistent with Commission precedent. Accordingly, the Petition is ripe for action and T-Mobile’s waiver request should be granted promptly.

As explained in detail in the Petition, pursuant to Section 54.307 of the Commission’s rules, certain line count information that would allow T-Mobile, through its wholly-owned subsidiary SunCom Wireless, Inc., to receive federal universal service support in certain rural and non-rural areas of North Carolina was due December 30, 2008.<sup>3</sup> A misreading of the

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<sup>1</sup> See FCC Public Notice, *Comment Sought on Petition Filed T-Mobile USA, Inc. For Waiver Of Universal Service Fund High-Cost Filing Deadline*, 24 FCC Rcd 3262 (WC 2009).

<sup>2</sup> See T-Mobile USA, Inc. Petition For Waiver Of Section 54.307(c) of the Commission’s Rules, WC Docket No. 08-71, CC Docket No. 96-45 (Jan. 15, 2009) (the “Petition”).

<sup>3</sup> 47 C.F.R. § 54.307(c).

Commission's rules, however, led T-Mobile's outside consultant to submit T-Mobile's line count information to the Universal Service Administrative Company ("USAC") between 9:00 a.m. and 10:00 a.m. on December 31, approximately 10 hours after the December 30 deadline for filing the data. Neither USAC's time to process the line count information, nor any other carrier, was adversely affected by the *de minimis* filing delay. In contrast, failure to timely receive the high cost support for which it is eligible could have a detrimental effect on T-Mobile's business plans in North Carolina and the company's existing and future customers. T-Mobile and its outside consultant have since established internal procedures to ensure the timely quarterly submission of the company's line count data.

The Commission received no comments, due April 20, 2009, regarding the Petition. Accordingly, it remains unopposed and ripe for approval. As noted in the Petition, T-Mobile's waiver request is consistent with prior Commission decisions presenting similar circumstances.<sup>4</sup> In fact, the Commission released another order less than two weeks ago granting three similar waiver requests where the petitioning carriers submitted the required data around five or less business days after the filing deadline. The Commission concluded in those cases that "waivers are warranted because the petitioners... promptly filed the required data and have revised their internal procedures to ensure compliance with the Commission's rules."<sup>5</sup> The Commission should make a similar finding regarding T-Mobile's Petition, which satisfies the same criteria.

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<sup>4</sup> See Petition at 5 n.11.

<sup>5</sup> See *Grande Communications, Inc. Petitions for Waiver of Universal Service High-Cost Filing Deadlines*, DA No. 09-883, WC Docket No. 08-71, CC Docket No. 96-45, ¶ 15 (Apr. 21, 2009).

For the foregoing reasons, T-Mobile requests that the Commission grant its request to waive by one day the December 30 line count filing deadline set forth in Section 54.307 of the Commission's rules.

Respectfully submitted,

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