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

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| In the Matter of | ) | |
| | ) | |
| inContact, Inc. | ) | WC Docket No. 06-122 |
| Form 499 Filer ID No. 818114 | ) | |
| Petition for Special Relief and Waiver | ) | |
| | ) | |

**REPLY COMMENTS of inCONTACT, INC.**

## I. INTRODUCTION

Pursuant to the Federal Communications Commission's ("Commission") May 6, 2009 Public Notice, DA 09-1017, inContact, Inc. (f/k/a UCN, Inc.), ("inContact" or "Petitioner"), through its undersigned counsel, respectfully submits these Reply Comments to inContact's Petition for Special Relief and Waiver ("Petition") pending in the above-referenced proceeding.

In its Petition, inContact asks the Commission to declare that: the Universal Service Administrative Company ("USAC") improperly issued a 2009 invoice, the Commission should not apply USAC's "pay and dispute" and red-light policies under these circumstances, and inContact should not incur any resulting penalty, administrative fee or interest assessment. Reply comments to inContact's Petition were due on June 5, 2009. No comments were filed. Having received no opposition to its Petition, inContact urges the Commission to promptly rule on its Petition and grant the relief sought therein.

## II. ARGUMENT

On January 23, 2009, nearly five years after its 2004 Form 499-A filing, USAC invoiced inContact for [redacted] in true-up adjustments based on inContact's 2003 revenues ("January 2009 assessment"). However, as the Petition explains, this assessment is time-barred by the Federal "default" Statute of Limitations' four-year period, is barred by Section 254's prohibition against unfair and discriminatory assessments, the doctrines of equitable estoppel and laches, is arbitrary and capricious, is ultra vires and is constitutionally impermissible in violation of due process guarantees. Therefore, as a matter of law, USAC's January 2009 assessment is untimely and inContact should not be required to pay USAC.

A speedy resolution of this dispute is critical for inContact's business and therefore inContact implores the Commission to quickly grant the relief sought in its Petition. USAC's untimely January 2009 assessment creates a potential liability [redacted], an amount that is quite significant for a company inContact's size. Moreover, the loss of the potential interest on the January 2009 assessment, in and of itself, would impose an undue burden on inContact. The straight-forward issues presented in inContact's Petition appear to be limited to inContact and therefore, a prompt declaration of this matter is warranted.

## III. CONCLUSION

For the foregoing reasons, and those submitted in its Petition, inContact renews its request that the Commission declare USAC's January 23, 2009 assessment barred as a matter of law and that the issues of prior appeal to USAC, the pay first rule and the red-light rule are

moot and inapplicable. Petitioner further requests the Commission issue any additional orders it deems appropriate and necessary to provide official direction on the related issues raised by USAC's conduct as identified in the Petition.

Respectfully submitted,
inContact, Inc.

By _____

Jonathan S. Marashlian
Charles H. Helein
Jackie R. Hankins
Helein & Marashlian, LLC
Its Attorneys

June 22, 2009