

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Mobi PCS, Inc. and Cricket Communications,  
Inc. Petition Requesting the Federal  
Communications Commission To Provide  
Guidance to the Universal Service  
Administrative Company

WC Docket No. 05-337

**Comments of the USA Coalition**

The Universal Service for America Coalition (“USA Coalition”),<sup>1</sup> by its counsel, hereby submits these comments in support of the petition filed by Mobi PCS, Inc., a member of the USA Coalition, and Cricket Communications, Inc. (together, the “Petitioners”) requesting the Federal Communications Commission (“Commission”) to provide guidance to the Universal Service Administrative Company (“USAC”) regarding permissible implementations of Section 54.307(b) of the Commission’s Rules, 47 C.F.R. § 54.307(b) (the “Rule”) The USA Coalition agrees with the Petitioners that the public interest would benefit from the guidance requested in the Petition.

The USA Coalition consists of five of the nation’s leading rural providers of wireless services, and is dedicated to advancing regulatory policies that will enable Americans to enjoy the full promise and potential of wireless communications, regardless of where they live and work. The USA Coalition seeks to ensure that our nation’s universal service programs are technologically and competitively neutral, which ultimately will facilitate competition that benefits consumers.

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<sup>1</sup> The members of the USA Coalition include Carolina West Wireless, MTPCS, LLC d/b/a Cellular One, Mobi PCS, SouthernLINC Wireless and Thumb Cellular LLC.

A vibrant, robust, and redundant communications network is essential to the economic strength of the United States and the public safety of its citizens. In order to ensure the strength of the communications network in rural, insular, and high-cost areas, service must be affordable to residents of those areas. In some rural, insular, and high-cost areas, however, service will be affordable only with support from the USF. In these areas, residents and businesses frequently must use P.O. Boxes for their billing addresses. Ambiguity regarding permissible implementations of the Rule when the billing address contains a P.O. Box serves only to harm those who most need USF support.

As the Petition explains, the Rule requires competitive ETCs to report the number of lines they serve in each rural ILEC's service area based on the customer's billing address. When a customer uses a P.O. Box as its billing address, the software commonly used by competitive ETCs to generate these reports cannot automatically identify the rural ILEC study area in which the customer's billing address is located. Under these circumstances, competitive ETCs must manually identify the rural ILEC serving area in which the customer's billing address is located. The Petition identifies two reasonable means for implementing the Rule under these circumstances: (1) relying on customer provided information; or (2) when a single rural ILEC serves most, if not all, of the customers whose billing addresses contain P.O. Boxes from the same Post Office, reporting all such billing addresses as being located within that rural ILEC's study area. So long as the competitive ETC's implementation of the Rule is reasonable under the circumstances and applied consistently, USAC should accept reports based upon such

implementation. For these reasons, the USA Coalition supports the guidance requested in the Petition.<sup>2</sup>

USAC lacks the authority to interpret the Commission's rules.<sup>3</sup> As such, the public interest would be served by providing the requested guidance to USAC, which will improve the efficiency with which funds are administered and overseen, and ensure that support is available in areas where it is most needed. Therefore, the USA Coalition urges the Commission to provide USAC with the guidance requested in the Petition as soon as possible.

Respectfully submitted,



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Dated: August 20, 2009

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<sup>2</sup> As the Petition explains, the requested guidance letter would not constitute an exhaustive list of permissible implementations of 47 C.F.R. § 54.307(b) or affect the authority of the Commission or USAC to conduct audits or investigations to determine compliance with the competitive ETC support rules and requirements

<sup>3</sup> 47 C.F.R. § 54.702(c) (“The Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. Where the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.”).