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VIA ECFS

April 1, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: WC Docket No. 06-122
U.S. TelePacific Corp. d/b/a TelePacific Communications Emergency
Petition for Stay Pending Commission Review; Request for Review and
Reversal of USAC Decision Letter**

Dear Ms. Dortch:

On March 31, 2010, on behalf of U.S. TelePacific Corp. d/b/a TelePacific Communications ("TelePacific" or "Company"), I participated in a teleconference with Vickie Robinson and Nicholas Degani, both of the Telecommunications Access Policy Division of the Wireline Competition Bureau.

In its pending request for reversal of the *USAC Decision Letter*, the Company requested a stay or FCC order no later than March 31, 2010. In the teleconference, the participants discussed the impact on the Company of FCC action taken after March 31, 2010. As noted in TelePacific's February 16, 2010, ex parte, TelePacific made a filing with USAC on February 12, 2010, to comply with the *USAC Decision Letter*. Today, TelePacific will file its Form 499-A in compliance with the *USAC Decision Letter*. TelePacific expects USAC to issue invoices based on the revenue information provided in those filings that will (1) increase TelePacific's monthly USF contribution substantially beginning in the second quarter of 2010 and (2) in the second and third quarters of 2010, assess TelePacific substantial additional USF contributions. In short, absent prompt FCC action, beginning second quarter, 2010, TelePacific will be compelled to make USF contributions based on certain revenues from its wireline broadband Internet access service.

USAC invoices typically assess contributions on the 15th of the month, are mailed on or about the 22nd of the month, and are due the 14th of the following month. Absent prompt Commission action, TelePacific expects to owe substantial additional USF contributions based on the *USAC Decision Letter* by May 14 and each month thereafter. Under USAC's pay and dispute policy, TelePacific would be required to make the payments pending its appeal and could incur interest and penalties if it cannot make the payments (or interest if it must negotiate a payment plan).

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TelePacific requested FCC action by March 31, 2010 because of the difficulty of applying a FCC decision on appeal to invoices that USAC has issued. For example, TelePacific understands that under USAC's internal processing guidelines, quarterly invoices are not adjusted unless revised revenue information is submitted and accepted by the first day of the quarter (in this case April 1).¹ TelePacific further understands that USAC applies a one-year limit on downward revisions to Form 499-As filed by contributors and revenue estimates made by USAC (in this case, this limit could preclude downward revisions for 2008 and prior revenue years after March 31, 2010). TelePacific also understands that USAC may not process credits (or checks) to reverse billed (or paid) contributions on a monthly basis. Finally, TelePacific understands that USAC has or will transmit TelePacific's revenue information to other fund administrators who may issue invoices based on the revenue reported to comply with the *USAC Decision Letter*. Thus, assuming *arguendo* that the Commission agrees with TelePacific's position, it should direct USAC and TelePacific to work together to achieve the substantive result of any FCC Order regardless of any internal processing guidelines or Form 499-A or 499-Q revision deadlines that arguably could delay or impede a prompt and full reversal of the *USAC Decision Letter*.

Sincerely,

/s/

Tamar E. Finn

*Counsel for U.S. TelePacific, Corp. d/b/a
TelePacific Communications*

Enclosure

cc: Vickie Robinson, FCC Wireline Competition Bureau
Nicholas Degani, FCC Wireline Competition Bureau

¹ See <http://www.usac.org/fund-administration/contributors/revenue-reporting/revising-revenue-worksheets.aspx> ("Revisions received and accepted by USAC after the 1st of the first month of the new quarter will be processed in the following quarter.").