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June 2, 2010

**VIA ECFS**

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

**Re: Emergency Request for Review and Request for Waiver of USAC 45-Day  
Revision Deadline of Reliance Communications, Inc. WC Docket No. 06-122**

Dear Ms. Dortch:

Level 3 Communications, LLC and Wiltel Communications, LLC (collectively, "Level 3"), submit these comments to the Emergency Request for Review and Request for Waiver filed by Reliance Communications, Inc. ("Reliance").<sup>1</sup>

Level 3 supports Reliance's request for reversal of the decision issued by the Universal Service Administrative Company ("USAC") and urges the Commission to grant Reliance's request for waiver of the 45-day revision period for Form 499-Q filings. According to its pleading, after months of investigation to determine why its USF contribution increased over 9000%, which caused severe financial hardship for Reliance, the company determined that a clerical error in one of its 499-Q filings resulted in an incorrect invoice from USAC. As is often the case, Reliance had no advance notice that its USF contribution amount was due to increase substantially, nor was it provided with any explanation for the significant change.<sup>2</sup> In fact, it took Reliance several months from the receipt of its October 2009 invoice to determine the source of the error. When the clerical error was discovered, Reliance promptly filed a revised 499-Q on January 25, 2010, but continued to receive invoices with ever increasing amounts and it was not until

<sup>1</sup> See Public Notice, Comment Sought on Reliance Communications Request for Review of a Universal Service Contribution Decision by the Universal Service Administrative Company, DA 10-902, WC Docket No. 06-122 (May 20, 2010).

<sup>2</sup> Reliance Communications, Inc. Emergency Request for Review and Request for Waiver of USAC 45-day Revision Deadline, WC Docket No. 06-122, at 6 (filed May 13, 2010) ("Reliance Request").

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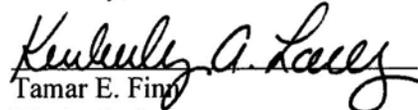
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April 22, 2010, nearly three months later and only after an inquiry by outside counsel, that USAC informed Reliance that its revised 499-Q had been rejected.<sup>3</sup>

Time and time again, USF contributors have faced substantial financial hardship when they were forced to choose between (1) paying invoices that are many times larger than previous contribution amounts due to an administrative or clerical error in their Form 499 filing or (2) face interest penalties for failure to pay. Reliance is the latest in a long line of contributors that have sought relief from the inflexible and strict application of form revision deadlines and/or USAC policies, which in certain circumstances do little or nothing to protect USF funding but often result in significant financial harm to contributors. Both Level 3 and Ascent Media Group, LLC (“Ascent Media”) have pending requests for review of these inflexible, harmful and punitive policies. As the Commission is aware, Level 3 would have faced financial hardship if it had paid the \$24 million invoiced by USAC after making a mistake in its 2008 499-A filing.<sup>4</sup> Ascent Media’s inadvertent reporting error also resulted in invoices that were \$2.1 million higher than previous periods and which, if paid, would have caused Ascent Media significant financial hardship.<sup>5</sup> Yet the Bureau denied both Level 3’s and Ascent’s request for reversal or waiver.

Therefore, Level 3 requests that the Commission grant its Application for Review as well as the requests for review made by other USF contributors who have been denied waivers of USF filing deadlines and faced financial hardship due to administrative or clerical errors. The Commission should reconsider and revise the Bureau’s inflexible approach to Form 499 revision deadlines and USAC’s pay and dispute policy.

Sincerely,

  
Tamar E. Finn  
Kimberly A. Lacey

*Counsel for Level 3 Communications, LLC and  
Witel Communications, LLC*

cc: Claude Aiken, Wireline Competition Bureau  
Charles Tyler, Wireline Competition Bureau  
Best Copy and Printing, Inc.

<sup>3</sup> *Id.* at 8-9.

<sup>4</sup> See Application for Review of Level 3 Communications, LLC, ICG Telecom Group, Inc., Looking Glass Networks, Inc., Looking Glass Networks of Virginia, Inc., Progress Telecom, LLC, and Witel Communications, LLC, WC Docket No. 06-122 (filed March 1, 2010).

<sup>5</sup> Comments from Ascent Media Group, LLC on Level 3 Application for Review, WC Docket No. 06-122 (filed April 12, 2010).