



August 15, 2012

Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

RE: Request for Waiver - USAC late filing fees  
WC Docket No. 06-122  
Mercury Wireless, LLC  
Filer ID # 829300

Dear Sirs,

Mercury Wireless is an Internet Service Provider using fixed wireless technology. In addition to the Internet services we provide, we offer voice over Internet protocol (VoIP) services on a resale basis using minutes purchased from a wholesale provider based in Pittsburgh, PA. This VoIP service provider bills us at wholesale rates and we, in turn, bill the end user (our customers). The wholesale provider assesses a federal Universal Service Fund (USF) surcharge on our monthly invoice and, we assume, contributes to the USF based on the associated revenues.

Recently, we learned that although we are merely reselling the services of a company that is contributing to the USF, the, FCC rules nonetheless require us to file the Form 499A each year. We requested and received our Filer ID from USAC on June 19, 2012. USAC further informed us that even though our VoIP billing amount per year classified us as "de minimis", annual FCC 499 filings are still required.

Again, we were not aware that our VoIP Service Provider was not, in effect, the only Provider "of record" with USAC for our VoIP billings and that we needed to report those revenues to USAC as well.

USAC requested that we begin submitting our FCC 499 reports. They also requested that we file previous period reports. Our VoIP Interstate revenues for 2008, 2009 and 2010 were approximately \$1,000, \$2,000, and \$5,000, respectively. Those Form 499 filings were sent to USAC on April 2, 2012. Our April 2, 2012 Form 499-A (reporting VoIP Interstate revenues of approximately \$7,000) was submitted to USAC timely. We will timely file all future reports required as well.

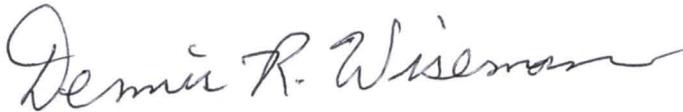
These fees are significant to us, as we are a very small company with six employees. In fact, they are greater than our highest annual interstate VoIP revenue total reported to date. The late fees are burdensome to us and will harm our ability to compete against larger companies.

If the FCC waives the late filing fees, the purpose of the USF filing deadline rule would not be frustrated. We filed our forms promptly upon discovering we were subject to the filing rule. We are not a contributor because we are de minimis, so no contributions have gone unpaid as a result. Indeed, we have contributed to the fund by paying the USF contribution fees on our invoice each month.

Given the circumstances and reasons as described above, we respectfully request that you waive the late fees billed by USAC.

Your consideration of our request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Dennis R. Wiseman". The signature is written in black ink and is positioned above the typed name and address.

Dennis R. Wiseman  
Mercury Wireless, LLC  
2825 SE California, Suite B  
Topeka, KS 66605



Universal Service Administrative Company

Helping Keep Americans Connected

Filer 499 ID: 829300
Invoice Number: UBDI0000565283
Statement Date: 07/20/2012
New Balance: \$ 7,500.00
Payment Due Date: 08/15/2012
Amount Enclosed: [ ]

Mercury Wireless, LLC
Attention: Dennis Wiseman
2825 SE California Suite B,
Topeka, KS, 66605

Mail Payment To:

Universal Service Administrative Company
PO Box 105056
Atlanta, GA 30348-5056

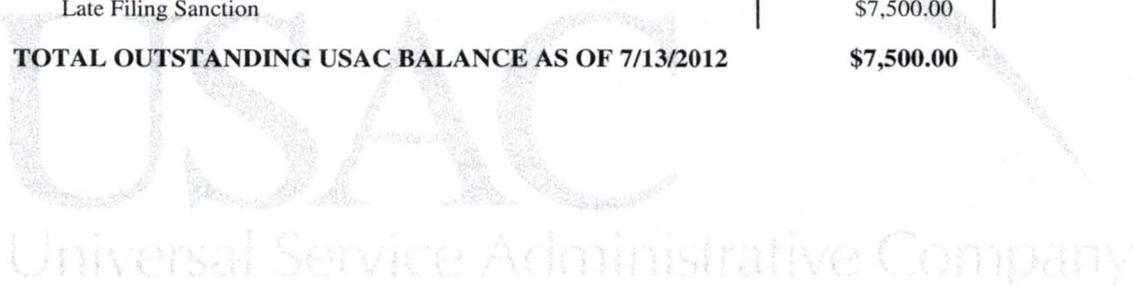
Address Change? See reverse side for instructions.

[ ] If paying for multiple Filer 499 IDs, please check here and complete form on back.

Send top portion of statement with payment in enclosed envelope. Keep bottom portion for your records.

STATEMENT OF ACCOUNT

Table with 4 columns: Date, Description, Charges, Credits. Includes entries for Previous Balance, Late Filing Sanction, and TOTAL OUTSTANDING USAC BALANCE AS OF 7/13/2012.



Transactions occurring after 07/13/2012 are not reflected on this statement.

Under the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) (DCIA), your BALANCE DUE is a demand that you pay a DEBT owed to the United States on or before the DUE DATE. If the DUE DATE is non-business day, payment must be received the business day before that date. Any portion of the DEBT unpaid after the DUE DATE is a DELINQUENT DEBT, which may result in sanctions, including interest, penalties, and administrative charges. Failure to file a Telecommunications Worksheet may result in a late filing fee DEBT added to your BALANCE DUE. Read the reverse of this Invoice for important information about those sanctions and your legal rights and obligations.

Table with 4 columns: Statement Date, Invoice Number, Filer 499 ID, Balance Due USAC. Includes sections for FORM 499Q DATA and PAYMENT INFORMATION.

**IMPORTANT LEGAL INFORMATION ABOUT YOUR ACCOUNT AND YOUR RIGHTS AND OBLIGATIONS**

**1. DEMAND FOR PAYMENT, DUE DATE & DELINQUENCY.** Under 31 U.S.C. § 3701, C.F.R. § 901.2 and 47 C.F.R. § 1.1911, this is a First Demand for Payment of your **BALANCE DUE**, which is a DEBT owed to the United States. Any portion of that amount unpaid after the PAYMENT DUE DATE (*i.e.*, the DATE OF DELINQUENCY) is a DELINQUENT DEBT for which USAC and the FCC may take COLLECTION ACTION against you as a DELINQUENT DEBTOR. Under 31 U.S.C. § 3717, we will assess interest, penalties and administrative charges (below), from the DATE OF DELINQUENCY, and if the DEBT remains delinquent, we will refer the matter to the Secretary of the Treasury (Treasury) or the Department of Justice (Justice). COLLECTION ACTION may also include judicial enforcement by Justice and/or administrative action by the FCC or Treasury, *e.g.*: administrative offset, denial of certain federal benefits, and/or referral to private collection attorneys, any or all of which may incur additional charges. Under 31 U.S.C. § 3716, the United States may collect the debt by administrative offset. In addition, the USAC and the FCC will withhold action on any pending application (Red Light) made by a DELINQUENT DEBTOR, and the delinquency will be reported to credit-reporting agencies. You may learn more about the DCIA by reading 31 U.S.C. §§ 3701, 3711, 3716, 3717, and 3720B, the Federal Claims Collection Standards (*e.g.*, 31 C.F.R. § 900.1, *et seq.*), and 47 C.F.R. § 1.1901, *et seq.*

**2. RECORD REVIEW AND APPEALS.** If you believe the amount of the BALANCE DUE is in error, you may ask to inspect, or for USAC to review, the records relevant to this invoice, by submitting, **within 15 days of this invoice date**, a written request for inspection or review specifying the nature of the error(s) to CUSTOMER SERVICE. If you wish to appeal this invoice, you may file an appeal within 60 days of the statement date on the invoice pursuant to the requirements of 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at <http://www.usac.org/cont/about/program-integrity/appeals.aspx>.

**3. PAYMENT PLAN.** If you are unable to pay the BALANCE DUE in full, you may request a written payment plan agreement, the terms of which will require interest and administrative charges.

**4. CONSEQUENCES IF YOU DO NOT PAY THE FULL BALANCE DUE.** A failure to submit payment may result in sanctions, including, but not limited to, administrative or judicial proceedings to recover the DELINQUENT DEBT, and all accrued administrative charges, penalties, and interest, as set forth below.

**INTEREST, PENALTIES, AND CHARGES.** Interest at the annual rate equal to the U.S. prime rate as of the DATE OF DELINQUENCY plus 3.5 percent accrues from that DATE until the DEBT is paid in full. This interest rate incorporates administrative charges of collection pursuant to 47 C.F.R. § 54.713. Moreover, a penalty of 6 percent a year accrues on any part of the DEBT that is more than 90 days DELINQUENT. If the DEBT remains unpaid, the full amount of the DELINQUENT DEBT, plus accrued interest and penalties, may be transferred to the Treasury or Justice for COLLECTION ACTION, and you will be required to pay the administrative costs of processing and handling a DELINQUENT DEBT as set by the Treasury (currently 28 percent of the debt). However, if you pay the full amount of the DELINQUENT DEBT and associated administrative fees within 30 days of the due date, the interest will be waived. These requirements are set out at 31 U.S.C. § 3717.

**5. LATE FILING FEES FOR INCOMPLETE OR LATE-FILED WORKSHEETS.** Telecommunications Reporting Worksheet (Worksheet) Forms 499-Q or 499-A must be received on Feb 1, Apr 1 (499-A), May 1, Aug 1, and Nov 1. A Worksheet not received when due is DELINQUENT, and if more than 30 days DELINQUENT, USAC will assess a LATE FILING FEE equal to the greater of \$100 per month or an amount computed using the rate of the U.S. prime rate (in effect on the date the applicable Worksheet is due) plus 3.5 percent applied to the amount due per an invoice calculated by USAC. The LATE FILING FEE will be included in the BALANCE DUE. Any portion of the LATE FILING FEE unpaid after the DUE DATE will be DELINQUENT and subject to DCIA procedures discussed above, including INTEREST, PENALTIES, and CHARGES.

If you fail to file your Worksheet and to pay your contribution, interest will accrue on the greater amount due from the earliest date of the failure to file or to pay your contribution.

**Payment for Multiple 499 Filer IDs**

If paying for more than one Filer 499 ID, complete the form at ([http://www.usac.org/\\_res/documents/cont/pdf/payments/USAC\\_Payment\\_Identification\\_Form.pdf](http://www.usac.org/_res/documents/cont/pdf/payments/USAC_Payment_Identification_Form.pdf)) and **submit one copy with the payment coupon(s) for each ID.** You may **not** apply a credit balance from one Filer 499 ID to pay a balance due on another Filer 499 ID. If you are submitting an electronic payment, please send your worksheet by fax or e-mail to CUSTOMER SERVICE.

Filer 499 ID	Invoice Number	Amount
1		\$
2		\$
3		\$
4		\$
5		\$
<b>TOTAL AMOUNT*</b>		\$

\*The Total Amount must equal the total of all checks submitted.

NOTE: By using this worksheet, you certify that payment made on behalf of another filer is in consideration of fair value on behalf of the payer, and the funds will not be reallocated, reapplied, or returned in the event of insolvency or bankruptcy.

**How to Make Payments**

Include the company name, filer 499 ID, and invoice number with all payments to avoid late payment charges and FCC Red Light action.

Make checks payable to:  
USAC, PO Box 105056, Atlanta, GA 30348-5056

Address payments sent by an overnight mail service to:  
USAC, c/o Bank of America (105056), 1075 Loop Road, Atlanta, GA 30337: (404) 209-6377.

Electronic payments:  
Please remit ACH payments in a CCD+ format to ABA #071000039, DDA (or Account) #5590045653.

All Wire Transfers should be sent to ABA #026009593, DDA (or Account) #5590045653. U.S. Dollar & Foreign Currency Wire Transfers should use SWIFT code and address of BOFAUS3N.

**Change of Invoice Billing Address**

To change your USAC invoice billing address, send CUSTOMER SERVICE (below) your written request on company letterhead signed by a company officer with a revised FCC Form 499.  
(<http://www.usac.org/about/tools/forms.aspx>)

**Change of Address for Disbursements and Remittances**

To change your disbursement or remittance information address, send USAC, FCC Form 498, 2000 L Street, NW, Suite 200, Washington, DC 20036, your written request on company letterhead signed by a company officer with a completed a Form 498.  
(<http://www.usac.org/about/tools/forms.aspx>)

CUSTOMER SERVICE will respond to matters involving:

- Universal Service Fund invoices (including change of address and errors);
- USAC disbursements (remittances, checks and ACHs);
- Form 498 and SPIN issues; and
- FCC Form 499 and revenue reporting issues.

Contact **CUSTOMER SERVICE** at:

USAC Billing and Disbursement 2000 L Street, NW Suite 200 Washington, DC 20036	Phone: (888) 641-8722 Fax: (888) 637-6226 E-mail: <a href="mailto:customersupport@usac.org">customersupport@usac.org</a> Web: <a href="http://www.usac.org">www.usac.org</a>
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**DETAILED SUMMARY OF CHARGES AND CREDITS**

**SUPPORT MECHANISM CHARGES**

Your monthly support mechanism charges were calculated according to the following formulas:

**Quarterly Contribution Base**

The quarterly contribution base is a portion of your quarterly revenue that USAC considers when determining your quarterly Universal Service Fund contribution. The quarterly contribution base equals your interstate plus international revenue. Your current quarterly contribution base equals:

$$\frac{\text{Interstate Revenue (Line 120B)}}{\quad} + \frac{\text{International Revenue (Line 120C)}}{\quad} = \frac{\text{Quarterly Contribution Base}}{\quad}$$

**Adjusted Quarterly Contribution**

USAC adjusts carriers' quarterly contribution bases by the amount that they are expected to contribute in that quarter. The calculation for an adjusted contribution amount is as follows, and takes into account the circularity deduction:

$$\frac{\text{Quarterly Contribution Base}}{\quad} * \frac{0.157000}{\text{FCC Contribution Factor}} = \frac{\text{Unadjusted Contribution}}{\quad}$$

$$\frac{\text{Unadjusted Contribution}}{\quad} - \left( \frac{\text{Unadjusted Contribution}}{\quad} * \frac{0.137568}{\text{FCC Circularity Factor}} \right) = \frac{\text{Adjusted Contribution}}{\quad}$$

**De Minimis Eligibility**

Carriers whose expected annual contribution is less than \$10,000 are considered de minimis and are exempted from paying into the Universal Service Fund. To be exempt, a carrier must meet the de minimis criteria on both the current 499A and 499Q forms.

You meet the de minimis criteria on both the 499A and the current 499Q. Therefore, you are eligible for the de minimis exemption during the current quarter.

Your eligibility was calculated using the contribution factors established by the FCC for determining de minimis status on each form:

**499A:**

$$\frac{\text{499A Contribution Base}}{\text{499A Contribution Base}} * \frac{0.144000}{\text{FCC Estimated Annual Factor}} = \text{Estimated 499A Contribution}$$

**499Q:**

$$\frac{\text{Adjusted Contribution}}{\text{Adjusted Contribution}} * 4 = \text{Estimated 499Q Contribution}$$

For more information on the FCC estimated annual factor, please see the Form 499A Instructions. For more information on the current FCC contribution factor, visit the FCC website at [www.fcc.gov](http://www.fcc.gov).

**Support Mechanism Charges**

Your total monthly contribution is determined by multiplying one-third of your adjusted quarterly contribution base by the current quarter's FCC contribution factor. Your contribution is then allocated among the four support mechanisms according to the established allocation percentages for the current quarter.

1/3	*	<u>Adjusted Quarterly Contribution</u>	=	<u>Total Monthly Contribution</u>
		0.510218		\$ 0.00
<u>Total Monthly Contribution</u>	*	<u>High Cost Allocation Percentage</u>	=	<u>High Cost Support Mechanism Charge</u>
		0.223187		\$ 0.00
<u>Total Monthly Contribution</u>	*	<u>Low Income Allocation Percentage</u>	=	<u>Low Income Support Mechanism Charge</u>
		0.013787		\$ 0.00
<u>Total Monthly Contribution</u>	*	<u>Rural Health Care Allocation Percentage</u>	=	<u>Rural Health Care Support Mechanism Charge</u>
		0.252808		\$ 0.00
<u>Total Monthly Contribution</u>	*	<u>Schools &amp; Libraries Allocation Percentage</u>	=	<u>Schools &amp; Libraries Support Mechanism Charge</u>

**LATE FILING SANCTION**

A late filing fee (described on the reverse of the invoice) may be imposed for failing to file a Worksheet (Form 499-Q or 499-A). That late filing fee is the greater of \$100 per month or an amount computed using the rate of the U.S. prime rate (in effect on the date the applicable Worksheet is due) plus 3.5 percent multiplied against the filer's monthly contribution obligation as determined by the Administrator. The fee, included in the BALANCE DUE is a DELINQUENT DEBT if not paid, and subject to COLLECTION ACTION. The reverse of the Invoice provides more information.

Filing - Due Date A	Monthly USF Obligation B	Filing Received Date C	Rate D	Days/Months Delinquent E	Additional Sanction Amount F	Accrued Sanction Amount G	Total Sanction Amount (F + G) H
Apr 11 499A - 4/1/2011	\$32.40	04/02/2012	100.00/mo	13 MONTH(S)	\$1,300.00	\$0.00	\$1,300.00
Apr 10 499A - 4/1/2010	\$12.97	04/02/2012	100.00/mo	25 MONTH(S)	\$2,500.00	\$0.00	\$2,500.00
Apr 09 499A - 4/1/2009	\$6.11	04/02/2012	100.00/mo	37 MONTH(S)	\$3,700.00	\$0.00	\$3,700.00
<b>TOTAL</b>					<b>\$7,500.00</b>	<b>\$0.00</b>	<b>\$7,500.00</b>



**Filer 499 ID:** 829300  
**Invoice Number:** UBDI0000565283  
**Statement Date:** 07/20/2012

**Interest & DCIA Penalties**

A DELINQUENT DEBT incurs interest at the annual rate equal to the U.S. prime rate as of the DATE OF DELINQUENCY plus 3.5 percent from that DATE until the DEBT is paid in full. Any portion of the DEBT unpaid more than 90 days, incurs a penalty of 6 percent a year from the DATE OF DELINQUENCY. The reverse of the Invoice provides more information on interest, penalties, and administrative charges.

Description - Debt Due Date	Principal	Payment/ Credit Date	Interest Rate	Days Late	Additional Interest (B*(D/365)*E)	Accrued Interest	Total Interest (F+G)	Payment & Credits Applied	Interest Outstanding	Principal Outstanding
A	B	C	D	E	F	G	H	I	J	K

**Outstanding Items**

UBDI0000565283 - 8/15/2012	\$7,500.00		0.00%	0	\$0.00	\$0.00	\$0.00		\$0.00	\$7,500.00
					\$0.00			\$0.00	\$0.00	\$7,500.00
										<b>Principal Outstanding</b>
										<b>\$7,500.00</b>
										<b>Interest &amp; Penalties</b>
										<b>\$0.00</b>
										<b>Total Amount Due</b>
										<b>\$7,500.00</b>