



PUBLIC NOTICE

Federal Communications Commission
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Release Date: September 21, 2012

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SPRINT NEXTEL, AFFORDABLE PHONE SERVICE AND ABSOLUTE HOME PHONE PETITIONS FOR WAIVER OF THE LIFELINE RECERTIFICATION REQUIREMENT

WC Docket Nos. 11-42, 03-109, 12-23;
CC Docket 96-45

Comment Date: October 22, 2012

Reply Comment Date: November 5, 2012

The Wireline Competition Bureau (Bureau) seeks comment on petitions filed by Sprint Nextel Corporation (Sprint),¹ Affordable Phone Services, Inc. (Affordable)² and Absolute Home Phones, Inc., (Absolute)³ requesting waivers of section 54.410(f) of the Commission's rules requiring eligible telecommunications carriers to annually recertify the eligibility of their Lifeline subscribers.⁴ Sprint requests a waiver of Section 54.410(f) of the Commission's rules for 544 post-paid Lifeline subscribers who Sprint will no longer serve by the end of the year.⁵ Affordable and Absolute request waiver of the recertification requirement as it pertains to their wireline customers served using AT&T as the underlying carrier because both carriers will discontinue Lifeline service to all wireline customers served using AT&T as the underlying carrier on or before December 31, 2012.⁶ Section 54.410(f) of the

¹ Petition for Waiver of Sprint Corporation, WC Docket No. 11-42 *et al.*, CC Docket No. 96-45 (filed Aug. 28, 2012) (Sprint Waiver Petition); 54.410(f).

² Amended Petition for Waiver of Affordable Phone Services, Inc., WC Docket No. 11-42 *et al.*, CC Docket No. 96-45 (filed Sept. 20, 2012) (Amended Affordable Waiver Petition); 54.410(f).

³ Amended Petition for Waiver of Absolute Home Phones, Inc., WC Docket No. 11-42 *et al.*, CC Docket No. 96-45 (filed Sept. 20, 2012) (Amended Absolute Waiver Petition); 54.410(f).

⁴ 47 C.F.R. § 54.410(f).

⁵ Sprint states that it will relinquish its high-cost ETC designations as of December 31, 2012 and will no longer serve Lifeline customers in those jurisdictions. *See* Sprint Waiver Petition at 1, 3. Sprint asserts that the waiver request does not apply to its Assurance Wireless pre-paid Lifeline customer base. *See* Sprint Waiver Petition at 1, n. 1.

⁶ Amended Affordable Waiver Petition at 3; Amended Absolute Waiver Petition at 3. Affordable requests waiver for recertification of its 5,912 wireline Lifeline customers. Amended Affordable Waiver Petition at 4. Absolute requests waiver for recertification of its 1,322 wireline Lifeline customers. Amended Absolute Waiver Petition at 4.

Commission's rules requires eligible telecommunications carriers to annually recertify the eligibility of their Lifeline subscribers.⁷

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the dates indicated above.⁸ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B510, Washington, D.C. 20554; e-mail: Divya.Shenoy@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: <mailto:Charles.Tyler@fcc.gov>.

⁷ 54.410(f); *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No.11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, App. C (2012) (*Lifeline Reform Order*).

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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¹⁰ 47 C.F.R. §§ 1.1200 *et seq.*