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July 16, 2013

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: i-wireless Request to Amend Designated Service Area in the State of Florida
WC Docket No. 09-197

Dear Ms. Dortch:

i-wireless, LLC (“i-wireless”) hereby writes to clarify further why its request to amend its June 13, 2012 ETC designation Order for Florida to include the AT&T Florida service areas should be viewed as a correction of a prior order, and not as a new service area designation.¹

As explained in its 2013 Amendment Request, i-wireless is not requesting a new ETC designation for the AT&T Florida (formerly BellSouth) ILEC service areas in Florida, but instead is seeking a formal amendment to its ETC designation to correct that designation for the inadvertent clerical omission of the AT&T Florida service areas.² In its Florida ETC Petition filed with this Commission in 2011, i-wireless requested ETC designation for “its *entire service area* in Florida (i.e., the area served by its underlying carrier(s)).”³ As discussed in the 2011 Petition, i-wireless’ underlying carrier at that time was Sprint Nextel,⁴ which at that time served, among other areas, the AT&T Florida service areas. The Commission sought comment on i-wireless’ 2011 Petition pursuant to a Public Notice which stated, “i-wireless seeks designation as an eligible telecommunications carrier (ETC) for the limited purpose of participating in the

¹ See i-wireless Request to Amend Designated Service Area in the State of Florida (filed February 21, 2013)(“2013 Amendment Request”).

² See 2013 Amendment Request at 2.

³ i-wireless Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of Florida, WC Docket No. 09-197, at 12 (filed June 29, 2011) (“2011 Petition”) (emphasis added).

⁴ *Id.* at iv, 15.

Commission's Lifeline program in the State of Florida.”⁵ Thus, the Commission sought public comment on the entirety of i-wireless' ETC designation request with respect to Florida – including the AT&T Florida service areas.

Subsequently, on April 2, 2012, i-wireless filed an amended petition for ETC designation in Florida, among other states.⁶ Once again, in the body of its 2012 Amended Petition, i-wireless requested “ETC designation for its entire service area in . . . Florida . . .(i.e., the area served by the facilities-based carriers from whom it obtains wholesale service), but excluding any Tribal Areas.”⁷ As reflected in the body of the 2012 Amended Petition, the only intended modification was to clarify that Tribal Areas were excluded. Although n. 19 cross-referenced Exhibit L, no Florida service areas of any ILEC were listed in Exhibit L, which was a clear clerical error. This did not, however, alter the scope of the ETC request on which the Commission had sought public comment in 2011.

On June 13, 2012, the Wireline Competition Bureau, acting on delegated authority from the Commission, conditionally granted i-wireless' request for ETC designation, as amended in the 2012 Amended Petition.⁸ Appendix B to that Order listed the non-rural Telephone Company Study Areas included in i-wireless' ETC Service Area, listing Verizon Florida, but not AT&T Florida. This omission occurred because i-wireless informally provided an erroneous list to the Bureau that inadvertently left out AT&T Florida, even though it had been obviously covered by the plain language of both the 2011 Petition and the 2012 Amended Petition. i-wireless had not amended or otherwise modified the scope of its ETC designation requests from 2011 and 2012. Nothing in the Order reflected any conscious intent by the Bureau to exclude the AT&T Florida service areas. This was simply a clerical error.

⁵ Public Notice, “Wireline Competition bureau Seeks Comment on i-wireless, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Florida,” DA 11-1166, 26 FCC Rcd. 9480 (2011).

⁶ i-wireless Amended Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia, WC Docket No. 09-197, at 11 (filed April 2, 2012)(“2012 Amended Petition”)

⁷ *Id.* at 11.

⁸ *Telecommunications Carriers Eligible for Universal Service Support; i-wireless LLC Amended Petition for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, North Carolina, New York, Tennessee, the Commonwealth of Virginia, and the District of Columbia*, DA 12-934, 27 FCC Rcd 6263 (2012)(“June 2012 Order”).

Ms. Marlene H. Dortch

July 16, 2013

Page 3

i-wireless filed its 2013 Amendment Request in order to document its need for a correction of the *June 2012 Order* to include the AT&T Florida service areas, as was always intended and as was covered by the plain language of the 2011 Petition, 2011 Public Notice and 2012 Amended Petition. In i-wireless' view, filing of this request was not strictly necessary, as the *June 2012 Order* could have been corrected through an erratum issued on the Bureau's own motion once the discrepancy was brought to its attention. Nonetheless, in order to provide staff with the maximum number of procedural options for making this correction, i-wireless filed the 2013 Amendment Request. However, in no way is the 2013 Amendment Request a new request for designation of i-wireless as an ETC in the AT&T Florida service areas: it is simply a request to true the terms of the *June 2012 Order* up to what had been initially requested, subject to public notice and comment, and which i-wireless believes was intended to be granted by the Bureau in the *June 2012 Order*.

i-wireless thus respectfully requests that the Commission amend its ETC service area to include AT&T Florida, effective as of June 13, 2012, the effective date of the *June 2012 Order*.

Sincerely,

/s/ Lance J.M. Steinhart

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