

BloostonLaw Telecom Update

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FCC Seeks To Refresh Record On Non-Rural USF Support Mechanism

The FCC has issued a Notice of Inquiry (NOI), seeking to refresh the record regarding the issues raised by the 10th U.S. Circuit Court of Appeals (Denver) in the Qwest II decision. In that decision the 10th Circuit invalidated the Commission's high-cost universal service support mechanism for non-rural carriers, which determines the amount of support to be provided to each state by comparing the statewide average forward-looking cost per line for non-rural carriers to a nationwide cost benchmark.

In December 2005, the Commission issued a Notice of Proposed Rulemaking (NPRM) seeking comment on the non-rural support mechanism in light of the Qwest II decision. Since the Commission issued the Remand NPRM, it has sought comment on various proposals for comprehensive reform of the high-cost support mechanisms, rural as well as non-rural. Several parties filed additional proposals in response to the High-Cost Support Reform NPRMs and the Comprehensive Reform FNPRM, as well as specific proposals to address the issues raised by the 10th Circuit.

Because these proposals may be helpful to the Commission in crafting a support mechanism that addresses the court's concerns, the FCC asks parties to refresh the record in this proceeding and specifically seeks comment on several proposals. The Commission also seeks comment generally on how its decision in this remand proceeding should relate to more comprehensive high-cost reform and the Commission's initiatives regarding broadband deployment.

Comments in this WC Docket No. 05-337 proceeding are due May 8, and replies are due June 8. BloostonLaw contacts: Ben Dickens, Gerry Duffy, and Mary Sisak.

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Blooston Makes Rural ILEC Case For Broadband Grants

BloostonLaw, on behalf of almost 60 Rural ILECs, filed comments on issues contained in the joint request for information released by the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS) in connection with the broadband initiatives in the American Recovery and Reinvestment Act of 2009 (ARRA). The Rural ILECs contend that they should be given a preference for ARRA grants and loans because they can leverage existing federal programs to quickly expand the availability of broadband services. Moreover, the Rural ILECs contend that NTIA and RUS must consider the impact on the Rural ILECs' provisioning of existing broadband services before providing a grant or loan to any applicant seeking to serve the Rural ILECs' areas.

The Rural ILECs noted that they have built and operate high-quality, advanced communications networks,

including broadband networks, in some of the most rural areas of the country. As carriers of last resort, the Rural ILECs offer, and are required to offer, their services to all subscribers in their service area. All of the Rural ILECs offer digital subscriber line (DSL) service to their subscribers. Many also are in the process of deploying fiber backbone, fiber to the curb or fiber to the home. Accordingly, the Rural ILECs are uniquely able to leverage broadband grants from NTIA and RUS to meet the goals of the ARRA.

In addition, all of the Rural ILECs receive federal universal service support and many have received RUS loans, which have been critical to their ability to build and operate high-quality, advanced communications networks. Accordingly, by awarding ARRA grants to the Rural ILECs, NTIA and RUS would be able to leverage these existing federal programs to increase the availability of broadband networks and services in rural areas, the Rural ILECs said.

NTIA and RUS also must consider that awarding grants or loans that adversely impact the Rural ILECs' existing investment or the provision of service to all consumers in their service territories would be detrimental to the goals of the ARRA. Disbursements under the ARRA should work in coordination with federal universal service and existing RUS loans and not be inconsistent with these programs. To this end, the Rural ILECs said, when considering applications that include or overlap areas served by the Rural ILECs, NTIA and RUS should consider (1) whether the applicant will serve all consumers in the rural ILEC's service territory and, if not, whether the grant or loan will adversely impact consumers that will not be served; and (2) whether the ARRA grant and loan would promote artificial and non-sustainable competition.

NTIA and RUS should carefully consider the impact of awarding an ARRA grant or loan to any entity that serves less than the Rural ILEC's total service territory or subscriber base, the Rural ILECs said. As carriers of last resort, the Rural ILECs provide service on the same terms and conditions and at the same rate to all subscribers in their service territory, from the least costly to the most costly to serve. An entity that chooses to serve only a portion of the Rural ILECs' service territory or subscriber base and, thereby, gain a competitive advantage by controlling its costs and maximizing its revenues, should not be further advantaged through the award of an ARRA grant or loan. It also would frustrate the goals of the existing federal universal service programs.

The Rural ILECs currently receive competition from wireless carriers and, in some cases, competitive LECs and cable companies. Most of these competitors do not serve the entire service area of the Rural ILECs or the

entire subscriber base of the Rural ILECs. Further, it is not clear that there are enough subscribers or revenues in the Rural ILECs' service territories to sustain the current levels of competition. When passing the Communications Act of 1996, Congress recognized that certain of the pro-competitive aspects of the Act may not be appropriate for rural areas and, as a result, imposed different requirements on rural carriers and for rural areas. For example, while state commissions are required to designate a qualified carrier as an eligible telecommunications carrier (ETC) in a non-rural area, the state is not required to do so in an area served by a rural telephone company. Similarly, Congress exempted rural telephone companies from the pro-competitive provisions of Section 251(c) of the Act until the State commission finds that their application is consistent with universal service, among other things. NTIA and RUS also should recognize the unique characteristics of rural areas and ensure that ARRA grants and loans are not used to promote additional, artificial and non-sustainable competition.

BloostonLaw contacts: Hal Mordkofsky, Ben Dickens, John Prendergast, Mary Sisak, and Cary Mitchell.

Text Of FCC's Broadband NOI Details National Plan

In the text of its Notice of Inquiry (NOI) seeking comment on developing a national broadband plan, the FCC notes that it must deliver its plan to Congress by February 17, 2010. Accordingly, the NOI seeks comment from all interested parties on the elements that should go into a national broadband plan. The plan must reflect an understanding of the problem, clear goals for the future, a route to accomplish those goals, and benchmarks along the way, the FCC said, adding that it must also reflect the input of all stakeholders—industry, American consumers; large and small businesses; federal, state, local, and tribal governments; non-profits; and disabilities communities. **Comments in this GN Docket No. 09-51 proceeding are due June 8, and replies are due July 7.**

First, the FCC seeks comment on how to implement a plan "to ensure that all people of the United States have access to broadband capability," including how to address the Congressional directive to "establish benchmarks for meeting that goal." How should broadband capability be defined going forward, and what does it mean to have access to it? Second, the Commission seeks comment on how to provide "an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States." Third, the Commission seeks comment on how to develop "a detailed strategy for achieving affordability of such service and maximum utilization of

broadband infrastructure and service by the public.” Fourth, the FCC asks about how it should evaluate “the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section.” Fifth, the FCC seeks comment on how to develop “a plan for use of broadband infrastructure and services in advancing” a variety of policy goals. It also seeks comment on how it should evaluate the development of a national broadband plan in light of a variety of other related statutory directives and whether additional elements should be included in the national broadband plan. Finally, because this plan will not be solely the Commission’s to implement, it seeks comment on how the Commission, in both the development and implementation of a national broadband plan, should work collaboratively with other agencies at all levels of government, with consumers, with the private sector, and with other organizations.

Broadband definition: The FCC is asking for an extraordinary amount of detail in this proceeding. For instance, the Commission said it currently uses the terms “advanced telecommunications capability,” “broadband,” and “high-speed Internet.” Should these definitions be unified, or should they have separate meanings for different purposes, keeping in mind that current and future broadband platforms will increasingly support “high-speed Internet” as one of several offered services including voice, video, private data applications, and the like? In addition, to the extent that broadband is defined by “speed,” should the Commission consider raising the speeds that define broadband? Should it distinguish among the various broadband technologies? Are there specific Commission actions that could encourage more rapid adoption of these more advanced broadband deployments using mobile wireless technologies, such as Worldwide Interoperability for Microwave Access (WiMAX), Long Term Evolution (LTE), or wireline broadband deployments, such as fiber, xDSL, or coaxial deployments supporting DOCSIS 3.0, for example? Are there other advanced broadband technologies that, if deployed, might better position the nation’s broadband infrastructure for continued evolution?

The FCC also seeks comment on whether a definition of “broadband” should be tethered to a numerical definition or, instead, an “experiential” metric based on the consumer’s ability to access sufficiently robust data for certain identifiable broadband services. In this regard, should the FCC define broadband in terms of bandwidth and latency, capability to download a certain type of media in a certain amount of time, ability to access a certain online service or operate a certain application without depreciation in quality, or by some other metric? Furthermore, should such performance metrics apply only for the local access link, for the end-to-end path, or some other portion of the network? To what extent should the FCC’s consideration of access to broadband

capability take account of the middle mile? Much of the focus on broadband deployment has been on last mile connections. Is there a need, for instance in rural areas, for a greater focus on broadband capabilities in the network beyond last-mile connections? How robust are broadband capabilities in backbone and feeder networks throughout the country?

The FCC also requests comment on whether a definition of broadband should be static or dynamic, with speed tiers that adjust with changes in technology. Further, the FCC seeks comment on the definitions for broadband used by other government agencies and how any such definition by the Commission would impact the various government programs designed to improve consumers’ access to or use of broadband services. For example, should the Commission define broadband in the same manner as other agencies charged with implementing parts of the American Reinvestment and Recovery Act? It also seeks comment on any definitions for “broadband” used in other nations or international organizations that may be useful to the Commission in this proceeding.

Because a range of technologies may be used to provide broadband services in a variety of situations, the FCC seeks comment on whether to adopt different definitions or standards of what constitutes broadband based on the technology being used to provide the service or the context in which the service is applied, or some combination of both. For instance, should a different set of standards be used to identify mobile broadband services – which allow mobility or portability but may have lower throughputs – versus fixed broadband services? Should the definitions vary depending on whether the broadband service is used to serve residential or business customers and if so, how? **Should rural regions, with their inherently higher deployment costs, have different definitions or standards for broadband than urban areas?** How should satellite technology with comparatively limited bandwidth and higher latency but potentially lower cost of deployment in rural regions be accounted for? Should the definition include some baseline dependability metric? Are there other dependability concerns, such as susceptibility to weather disruptions, that need to be addressed now or in the future?

In shared bandwidth broadband access technologies, how should actual speed delivered to consumers be determined, taking into account that for wireline systems, frequency bandwidth, the number of simultaneous users, and distance to the end user affect the data rates delivered? In addition to the bandwidth and number of simultaneous users, the data rates delivered to wireless end users depend upon, among other factors, transmitter power, frequency re-use, and the distance between the end user and the base station. More specifically for actual speeds on a wireless network, should they be

determined at the edge of the service contour, and if so, what service contour level would define the edge of service? To what extent should the number of simultaneous users be considered when defining the individual end user data rates since the network capacity may be shared with many other users at the local level? In general, how should the speeds and other characteristics of services delivered to consumers be determined?

The FCC said it also recognizes that broadband services are provided under its provisions for the operation of unlicensed radio transmitters. For example, Wi-Fi hotspots provide access to broadband service at hundreds of thousands of locations throughout the United States and the world at locations such as airports, hotels, coffee shops, and retail establishments. Unlicensed technologies are often used by Wireless Internet Service Providers (WISPs) to offer broadband service in urban, suburban and rural communities. Unlicensed technologies are increasingly incorporated in devices operating under our licensed radio services rules to enhance consumers' broadband experience, such as cell phones that include Wi-Fi broadband access capability. The FCC also notes that it recently established provisions for unlicensed devices to operate in the TV white spaces, which hold promise for the introduction of new broadband services. In addition, the Commission has established rules to provide for broadband over power line service where the electrical distribution grid can be used for delivery of broadband services. The FCC invites comment as to the state of deployment of broadband services that are offered under our rules for unlicensed devices. Should they be considered as a means of providing broadband service, particularly where no other service exists? If so, how should that service be defined or quantified since unlicensed devices are not necessarily associated with specific areas of operation? The FCC notes that unlicensed devices operate on a non-interference basis and must share spectrum with all other such devices. Accordingly, a particular quality of service or data speed often cannot be assured. Should the FCC treat data speeds and metrics for unlicensed devices and services differently because the sharing scenarios and their impact on reliability and data speeds are difficult to predict?

The FCC applies the same level of detail to other issues, including access to broadband, how to measure progress, and the role of market analysis. **As noted last week, BloostonLaw will be preparing comments for interested clients in advance of the June 8 comment deadline.**

BloostonLaw contacts: Hal Mordkofsky, Ben Dickens, Gerry Duffy, John Prendergast, Mary Sisak, and Cary Mitchell.

FCC ADOPTS SUPPLEMENTAL NOI ON VIDEO COMPETITION, DETAILS COMMENT DATES FOR ALL NOTICES: The FCC has adopted a *Supplemental Notice of Inquiry (NOI)* for its 14th Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, as required by Congress. The *Supplemental Notice of Inquiry (Supplemental NOI)* continues the process of preparing the Commission's next Annual Report to Congress on the state of video competition.

The 13th Annual Report, released on January 16, 2009, covered a period ending in June 2006. At the same time, the Commission released a *Notice of Inquiry (2007 NOI)* soliciting comment and information as of June 30, 2007 for the next report. The *Supplemental NOI*, in conjunction with the *2007 NOI*, will permit the Commission to collect information for a combined report for 2007, 2008, and 2009 and will allow it to bring its reporting up to date.

The *Supplemental NOI* asks commenters to provide updated information on all of the questions and issues raised in the *2007 NOI*. It requests data, where possible, as of June 30, 2008, and June 30, 2009. It also asks questions and requests information about significant developments since June 30, 2007. Among these are:

- The impact that the current economic environment has on broadcasters' and MVPDs' ability to invest in new programming and services.
- The impact of the broadcast digital television transition on services offered by broadcasters and their ability to compete with MVPDs.
- The impact of shifts in advertising shares from traditional cable and broadcast television to the Internet.
- The competitive effect of the increased penetration of Verizon's FiOS and AT&T's U-Verse video services and the response of incumbent cable operators to this competition.
- The significance of voice and data service offerings on competition among MVPDs and the bundling of these offerings as double, triple and even quadruple plays.
- The degree that cable systems are migrating programming from analog to digital tiers.
- The impact of the increased availability of video over the Internet on competition as well as broadband deployment.

The Supplemental NOI establishes May 20, 2009 and June 20, 2009, respectively, as the deadlines for filing comments and reply comments for 2008. For

2009 data, comments are due July 29, 2009 and reply comments on August 28, 2009.

On February 23, 2009, the FCC released an Order extending the comment dates for the 2007 NOI to allow commenters to file 2007 and 2008 data at the same time, following the release of a *Supplemental NOI*. Because the filing dates for 2007 data adopted in the February Order do not coincide with the 2008 filing deadlines set forth in the *Supplemental NOI*, the Media Bureau has issued an Order that further extends the 2007 deadlines to allow commenters to file data for 2007 and 2008 simultaneously.

The *Supplemental NOI* solicits updated information and comment on the questions and issues raised in the 2007 *NOI*. Commenters are asked to provide data on video programming distributors, including: 1) cable systems; 2) direct-to-home satellite services, including direct broadcast satellite (DBS) services and large home satellite dish (C-Band) providers; 3) other wireline providers, including local exchange carriers (LECs), broadband service providers (BSPs), open video systems (OVS), and utility-operated systems; 4) over-the-air broadcast television stations; 5) other wireless service providers, including commercial mobile radio services (CMRS) as well as wireless cable systems using frequencies in the broadband radio (BRS) and educational broadband services (EBS); 6) private cable operators (PCO systems), also known as satellite master antenna television (SMATV) systems; and 7) the Internet and Internet Protocol (IP) networks. Commenters should reference MB Docket 07-269. BloostonLaw contact: Gerry Duffy.

COMMENT CYCLE SET FOR RECON PETITIONS REGARDING UNLICENSED DEVICES BELOW 900 MHz AND IN THE 3 GHz BAND: A number of parties have filed petitions for reconsideration of the FCC's November 14, 2008, *Second Report and Order and Memorandum Opinion and Order* in ET Docket No. 04-186, 02-380 (i.e., regarding additional spectrum for unlicensed devices below 900 MHz and in the 3 GHz band). In this proceeding the FCC adopted rules to allow unlicensed radio transmitter devices, both fixed and personal/portable, to operate in the so-called "white spaces," i.e. unused channels in the broadcast television spectrum, in a manner that it believes will not harm existing services. One of the joint petitions for reconsideration, filed by Sprint-Nextel, FiberTower Corp., Rural Telecommunications Group, and COMPTTEL, argues that the Commission "erred in failing to dedicate spectrum for fixed, licensed services, including critical wireless backhaul services, based on the full record developed in this proceeding." These petitioners state that "the Commission's failure to authorize fixed, licensed services in at least a small portion of the White Spaces (and its failure to reserve any spectrum for such use on

further review) compromises the significant benefits of expanded use of the White Spaces and key goals the Commission sought to achieve through this proceeding." They argue that "Most White Space lies fallow in unserved, and some underserved, areas, and ample spectrum exists in those areas to accommodate backhaul. Accordingly, the Commission should reconsider its decision expeditiously and help expand backhaul capacity and support broadband stimulus efforts by dedicating – or at least reserving – a portion of the White Spaces now for fixed, licensed use before unlicensed devices are marketed to consumers and it is too late." **Comments on all of the recon petitions are due April 28, and replies are due May 8.** BloostonLaw contacts: Hal Mordkofsky, John Prendergast, and Cary Mitchell.

DEADLINES

APRIL 20: FCC FORM 497, LOW INCOME QUARTERLY REPORT. *This form, the Lifeline and Link-Up Worksheet, must be submitted to the Universal Service Administrative Company (USAC) by all eligible telecommunications carriers (ETCs) that request reimbursement for participating in the low-income program. The form must be submitted by the third Monday after the end of each quarter. It is available at: www.universalservice.org.* BloostonLaw contacts: Ben Dickens, Gerry Duffy, and Mary Sisak.

MAY 1: ENFORCEMENT OF RED FLAG RULES BEGINS: *The Federal Trade Commission (FTC) last year suspended enforcement of the "Red Flag" Rules until May 1, 2009, to give creditors and financial institutions additional time to implement identity theft programs. Under the new rules, all businesses that maintain a creditor-debtor relationship with customers, including virtually all telecommunications carriers, must adopt written procedures designed to detect the relevant warning signs of identity theft, and implement an appropriate response. The Red Flag compliance program was in place as of November 1, 2008. But the FTC will not enforce the rules until May 1, 2009, meaning only that a business will not be subject to enforcement action by the FTC if it delays implementing the program until May 1.* Other liabilities may be incurred if a violation occurs in the meantime. *The requirements are not just binding on telcos and wireless carriers that are serving the public on a common carrier basis. They also apply to any "creditor" (which includes entities that defer payment for goods or services) that has "covered accounts" (accounts used mostly for personal, family or household purposes). This also may affect private user clients who use radios internally, as well as many telecom carriers' non-regulated affiliates and subsidiaries. BloostonLaw has prepared a Red Flag Compliance Manual to help your*

company achieve compliance with the Red Flag Rules. Please contact Gerry Duffy (202-828-5528) or Mary Sisak (202-828-5554) with any questions or to request the manual.

MAY 1: FCC FORM 499-Q, TELECOMMUNICATIONS REPORTING WORKSHEET. All telecommunications common carriers that expect to contribute more than \$10,000 to federal Universal Service Fund (USF) support mechanisms must file this quarterly form. This filing requirement also applies to certain Private Mobile Radio Service (PMRS) licensees, such as for-profit paging and messaging, dispatch and two-way mobile radio services.

The FCC has modified this form in light of its recent decision to establish interim measures for USF contribution assessments. The form contains revenue information from the prior quarter plus projections for the next quarter. Form 499-Q relates only to USF contributions. It does not relate to the cost recovery mechanisms for the Telecommunications Relay Service (TRS) Fund, the North American Numbering Plan Administration (NANPA), and the shared costs of local number portability (LNP), which are covered in the annual form (Form 499-A) that is due April 1.

For-profit private radio service providers that are “de minimis” (those that contribute less than \$10,000 per year to the USF) do not have to file the 499-A or 499-Q. However, they must fill out the form and retain the relevant calculations as well as documentation for their contribution base revenues for three years. De minimis telecom carriers must actually file the Form 499A, but not the 499Q. BloostonLaw contacts: Ben Dickens and Gerry Duffy.

MAY 1: RATE INTEGRATION CERTIFICATION. Non-dominant interexchange carriers (IXCs), including facilities-based and resellers, that provide detariffed domestic interstate services must certify that they are providing such services in compliance with their geographic rate averaging and rate integration obligations. An officer of the company must sign this annual certification under oath. The FCC has issued the following guidelines: (1) Any carrier that provides interstate services must charge its subscribers in rural and high-cost areas rates that do not exceed the rates that the carrier charges subscribers in urban areas; (2) to the extent that a carrier offers optional calling plans, contract tariffs, discounts, promotions, and private line services to its interstate subscribers in one state, it must use the same ratemaking methodology and rate structure when offering such services in any other state; (3) an interstate carrier may depart from geographic rate averaging when offering contract tariffs, Tariff 12 offerings, optional calling plans, temporary promotions, and private line services; and (4) carriers may offer optional calling plans on a geographically limited basis as

part of a temporary promotion that does not exceed 90 days. But this limited exception does not exempt optional calling plans from geographic rate averaging requirements. Clients with questions about the FCC's detariffing or rate integration requirements should contact us. We have a model rate integration certification letter that may be printed on your letterhead. BloostonLaw contacts: Ben Dickens and Gerry Duffy.

MAY 31: FCC FORM 395, EMPLOYMENT REPORT. Common carriers, including wireless service providers, with 16 or more full-time employees must file their annual Common Carrier Employment Reports (FCC Form 395) by May 31. This report tracks carrier compliance with rules requiring recruitment of minority employees. Further, the FCC requires all common carriers to report any employment discrimination complaints they received during the past year. That information is also due on **May 31**. The FCC encourages carriers to complete the discrimination report requirement by filling out Section V of Form 395, rather than submitting a separate report. Clients who would like assistance in filing Form 395 should contact Richard Rubino.

JUNE 30: ANNUAL ICLS USE CERTIFICATION. Rate of return carriers and CETCs must file a self-certification with the FCC and the Universal Service Administrative Company (USAC) stating that all Interstate Common Line Support (ICLS) and Long Term Support (LTS) will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In other words, carriers are required to certify that their ICLS and LTS support is being used consistent with Section 254(e) of the Communications Act. **Failure to file this self-certification will preclude the carrier from receiving ICLS support. We, therefore, strongly recommend that clients have BloostonLaw submit this filing and obtain an FCC proof-of-filing receipt for client records.** BloostonLaw contacts: Ben Dickens and Gerry Duffy.

JULY 10: DTV EDUCATION REPORT. New 700 MHz licensees from Auction No. 73 are required to file a report with the FCC concerning their efforts to educate consumers about the upcoming transition to digital television (DTV). Last summer, we explained that the FCC's Part 27 rules require 700 MHz licensees that won licenses in Auction No. 73 to file quarterly reports on their DTV consumer outreach efforts through the Spring of 2009. However, in an apparent contradiction, the same rules do not impose any substantive consumer education requirements on 700 MHz license holders. This situation has not changed. The reporting rule simply states that “the licensee holding such authorization must file a report with the Commission indicating whether, in the previous quarter, it has taken any outreach efforts to educate consumers about the transition from analog broadcast television service to digital broadcast television service

(DTV) and, if so, what specific efforts were undertaken.” Many licensees may not have initiated 700 MHz service as of yet. However, to the extent they are also an Eligible Telecommunications Carrier (ETC) and recipient of federal USF funds, separate FCC rules found in 47 C.F.R. Part 54 (Universal Service) require ETCs to send monthly DTV transition notices to all Lifeline/Link-Up customers (e.g., as part of their monthly bill), and to include information about the DTV transition as part of any Lifeline or Link-Up publicity campaigns until March 31, 2009. BloostonLaw contacts: Hal Mordkofsky and Cary Mitchell.

JULY 20: FCC FORM 497, LOW INCOME QUARTERLY REPORT. This form, the Lifeline and Link-Up Worksheet, must be submitted to the Universal Service Administrative Company (USAC) by all eligible telecommunications carriers (ETCs) that request reimbursement for participating in the low-income program. **The form must be submitted by the third Monday after the end of each quarter.** It is available at: www.universalservice.org. BloostonLaw contacts: Ben Dickens, Gerry Duffy, and Mary Sisak.

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This newsletter is not intended to provide legal advice. Those interested in more information should contact the firm.

FCC Meetings and Deadlines

Apr. 17 – Deadline for reply comments on international comparison requirements in Section 706 report (GN Docket No. 09-47).

***Apr. 20* – FCC Form 497, Low Income Quarterly Report, is due.**

Apr. 20 – Deadline for comments on NTCA petition requesting that FCC clarify and/or waive Part 36 jurisdictional separations rules concerning allocation of general and administrative costs (CC Docket No. 80-286).

Apr. 28 – Deadline for comments on various recon petitions regarding unlicensed devices below 900 MHz and in the 3 GHz band (ET Docket No. 04-186, 02-380).

***May 1* – FTC begins enforcement of Red Flag Rules.**

***May 1* – Rate Integration Certification is due.**

***May 1* – FCC Form 499-Q, Telecommunications Reporting Worksheet, is due.**

May 1 – Deadline for price cap carriers to file short form Tariff Review Plan (TRP) associated with annual access tariff filing due July 1.

May 5 – Deadline for reply comments on NTCA petition requesting that FCC clarify and/or waive Part 36 jurisdictional separations rules concerning allocation of general and administrative costs (CC Docket No. 80-286).

May 8 – Deadline for comments on NOI to refresh record on non-rural USF support mechanism (WC Docket No. 05-337).

May 8 – Deadline for reply comments on various recon petitions regarding unlicensed devices below 900 MHz and in the 3 GHz band (ET Docket No. 04-186, 02-380).

***May 13* – FCC open meeting.**

May 15 – Deadline for comments on price cap carriers' short form TRP associated with annual access tariff filing due July 1.

May 20 – Deadline for comments on Supplemental NOI regarding video competition report (2008 data) (MB Docket No. 07-269).

May 22 – Deadline for reply comments on price cap carriers' short form TRP associated with annual access tariff filing due July 1.

***May 31* – FCC Form 395, Employment Report, is due.**

June 8 – Deadline for reply comments on NOI to refresh record on non-rural USF support mechanism (WC Docket No. 05-337).

June 8 – Deadline for comments on NOI seeking comment on developing national broadband plan (GN Docket No. 09-51).

***June 12* – DTV Transition.**