



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftn fcc.gov

DA 07-1239

Released: March 12, 2007

THE WIRELINE COMPETITION BUREAU SEEKS ADDITIONAL COMMENT ON PROMOTING DEPLOYMENT AND SUBSCRIBERSHIP IN UNDERSERVED AREAS, INCLUDING "NEAR RESERVATION" AREAS

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comment Date: [30 days after date of publication in the Federal Register]

Reply Comment Date: [45 days after date of publication in the Federal Register]

1. By this Public Notice, the Wireline Competition Bureau (Bureau) seeks to refresh the record on issues raised in the *Twelfth Report and Order* and *Twenty-Fifth Report and Order and Further Notice of Proposed Rulemaking* in the above proceeding related to what constitutes a "near reservation" area for federal Lifeline and Link-Up support purposes.¹ Because comments on the issue were filed several years ago, the passage of time and intervening developments have rendered the records developed by those commenters stale. Moreover, some issues raised by commenters may have become moot or irrelevant in light of intervening events. For these reasons, the Bureau requests that parties refresh the record with any new information or arguments they believe to be relevant to deciding the issues still pending. The refreshed record will enable the Commission to undertake appropriate consideration of the issue of how best to provide support through Lifeline and Link-Up to "near reservation" areas.

2. In the *Twelfth Report and Order*, the Commission adopted a definition of "tribal lands" that included "reservation" and "near reservation" areas, as defined, at that time, in sections 20.1(v) and (r) of the Bureau of Indian Affairs (BIA) regulations.² Subsequently, the Commission became aware that the term "near reservation" included wide geographic areas, extending substantially beyond the boundaries of reservations, that do not possess the same characteristics that warranted the targeting of support to reservations. As a result, the Commission issued an Order staying implementation of the enhanced Lifeline and Link-Up rules to the extent that they apply to qualifying low-income consumers

¹ See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, *Twelfth Report and Order*, Memorandum Opinion and Order, and *Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12218, paras. 17-18 (2000) (*Twelfth Report and Order*); *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, *Twenty-Fifth Order on Reconsideration, Report and Order*, and *Further Notice of Proposed Rulemaking*, 18 FCC Rcd 10958 (2003) (*Twenty-Fifth Report and Order and Further Notice of Proposed Rulemaking*).

² BIA has subsequently modified its definition of both reservation and near reservation areas. See 25 C.F.R. § 20.100.

located on “near reservation” areas.³

3. In the Further Notice accompanying the *Tribal Stay Order and Further Notice*, the Commission sought additional comment on how to extend the enhanced Lifeline and Link-Up measures to qualifying low-income consumers living in areas or communities that are “near reservations.” Specifically, the Commission sought comment on how to define geographic areas that are adjacent to the reservations or are otherwise a part of the reservation’s community of interest, in a manner that is consistent with its goal of targeting enhanced Lifeline and Link-Up support to the most underserved segments of the Nation. To the extent that using the BIA definition of “near reservations” to target support as intended in the *Twelfth Report and Order* was not effective, the Commission sought comment generally on how it might achieve its goal of serving geographically isolated, impoverished areas that are characterized by low subscribership.

4. On May 21, 2003, the Commission again sought comment on potential modifications to its rules regarding availability of enhanced Federal Lifeline and Link-Up assistance to qualifying low-income consumers living “near reservations.”⁴ In this follow-up, the Commission noted that few commenters filed in response to the 2000 *Tribal Stay Order and Further Notice*.⁵

5. The Bureau issues this Public Notice to obtain more detailed information on proposals contained in the current record, as well as additional proposals that may be more consistent with our goal of targeting enhanced Lifeline and Link-Up support to only the most underserved areas of our Nation and that may impose fewer administrative burdens. We seek comment on each of the issues which remain outstanding from the previous Further Notice.⁶

Interested parties may file comments and reply comments on or before the date indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or

³ See *Twelfth Report and Order*, 15 FCC Rcd at 12217-18, para. 16. (Lifeline and Link-Up assistance rule amendments applicable to eligible residents of tribal lands, consisting of qualifying low-income consumers living on or near reservations, as defined in 25 C.F.R. §§ 20.1(r) and 20.1(v)); *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 17122 (2000) (*Tribal Stay Order and Further Notice*); 47 C.F.R. §§ 1.3, 1.429(k).

⁴ See *Twenty-Fifth Order on Reconsideration, Report and Order, Order, and Further Notice of Proposed Rulemaking*, CC Docket No. 96-45, Further Notice of Proposed Rulemaking, 18 FCC Rcd 10985 (2003) (*Twenty-Fifth Order on Reconsideration*).

⁵ See Comments of AT&T, SBC, United States Cellular Corporation (USCC), Verizon, and Washington Utilities and Transportation Commission (Washington UTC); Reply Comments of AT&T and USCC.

⁶ See *Twenty-Fifth Order on Reconsideration*, 18 FCC Rcd at 10975-77, paras. 34-38.

rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies 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 (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 should be addressed to 445 12th Street, S.W., Washington D.C. 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).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission’s Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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

- (1) The Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563; and
- (2) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (3) Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5A-423, Washington, D.C. 20554; e-mail: erika.olsen@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁸ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁹

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

- FCC -

⁷47 C.F.R. §§ 1.1200 *et seq.*

⁸*See* 47 C.F.R. § 1.1206(b)(2).

⁹47 C.F.R. § 1.1206(b).