

Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Petitions for Limited Designation as an Eligible Telecommunications Carrier)	WC Docket No. 11-42
)	

ORDER

Adopted: December 9, 2016

Released: December 9, 2016

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

I. INTRODUCTION AND BACKGROUND

1. In this Order, we deny without prejudice the pending Lifeline petitions seeking designation as a Lifeline-only eligible telecommunications carrier (ETC) and the pending compliance plan approval requests listed in the attached Appendices. Pursuant to the Wireline Competition Bureau’s (Bureau) *Affirmation Request Public Notice*, a carrier’s application will not be subject to further consideration without a timely filed affirmative statement of continued interest.¹ None of the parties listed in the attached Appendices filed an affirmative statement attesting to a continued interest in having the pending application considered by the Bureau.

2. *The Act and Commission’s Rules.* Section 254(e) of the Communications Act of 1934, as amended (Act), requires that a carrier be designated as an ETC in order to receive federal universal service support for providing Lifeline service to qualified low-income consumers.² In section 214(e)(1)(A), the Act provides that an ETC must “offer the services that are supported by Federal universal service support mechanisms . . . either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”³ Pursuant to section 214(e)(6), the Commission has authority to designate as ETCs carriers that are not subject to the jurisdiction of a state commission.⁴ A number of carriers have petitions pending with the Commission for designation as an ETC in the states for which ETC designation is the Commission’s responsibility.

3. In the *Lifeline Reform Order*, the Commission granted forbearance from the facilities requirement for telecommunications carriers seeking to become Lifeline-only ETCs, subject to the following conditions: (1) the carrier must comply with certain 911 and enhanced 911 (E911) public safety

¹ See *Wireline Competition Bureau Requests Carrier Affirmations Concerning Pending Lifeline Compliance Plans or ETC Petitions*, Public Notice, 31 FCC Rcd 5243 (WCB 2016) (*Affirmation Request Public Notice*).

² 47 U.S.C. § 254(e). For the purpose of this Order, “application” shall refer to any pending Lifeline compliance plan or petition for designation as an ETC solely for the purposes of receiving reimbursement through the Lifeline program.

³ 47 U.S.C. § 214(e)(1)(A).

⁴ 47 U.S.C. § 214(e)(6).

requirements; and (2) the carrier must file, and the Bureau must review and approve, a compliance plan.⁵ Pursuant to this forbearance requirement, a number of carriers have compliance plan approval requests pending with the Bureau.

4. On May 18, 2016, the Wireline Competition Bureau (Bureau) issued a Public Notice requiring that every carrier with a pending Lifeline-only ETC designation or compliance plan application filed prior to October 1, 2015 file an affirmative written statement of the carrier's continued interest in having the Bureau review its pending application.⁶ Carriers were required only to attest to a desire to have the application reviewed; no additional information was necessary.⁷ Carriers were required to file their statements with the Bureau no later than June 7, 2016.⁸ The *Affirmative Request Public Notice* specified that failure to file an affirmative statement by June 7, 2016 would result in an automatic denial of the application without prejudice.⁹

II. DENIAL OF PENDING COMPLIANCE PLANS AND ETC DESIGNATIONS

5. Pursuant to the *Affirmation Request Public Notice*, we hereby deny the Lifeline compliance plan requests and deny the petitions for designation as a Lifeline-only ETC listed in Appendices A and B of this Order due to the failure of the requesting parties to timely file an affirmative statement with the Bureau. These applications are denied without prejudice and the parties are free to file new applications if they wish to participate in the Lifeline program.

III. ORDERING CLAUSES

6. IT IS ORDERED, pursuant to authority contained in sections 1-4, 214, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 214(e), 254, and sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, that the requests for approval of the compliance plans listed in Appendix A of this Order ARE DENIED WITHOUT PREJUDICE.

7. IT IS FURTHER ORDERED, pursuant to the authority contained in section 214(e)(6) of the Communications Act of 1934, 47 U.S.C. § 214(e)(6), and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, the petitions for designation as a Lifeline-only ETC listed in Appendix B of this Order ARE DENIED WITHOUT PREJUDICE.

8. IT IS FURTHER ORDERED that pursuant to section 1.102 of the Commission's rules, 47 CFR § 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ See *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6813, para. 368 (2012) (*2012 Lifeline Reform Order*).

⁶ See *Affirmation Request Public Notice*, 31 FCC Rcd at 5243-45.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

APPENDIX A

Compliance Plans Denied Without Prejudice

COMPANY NAME
Aegis Telecom
American Connect Services, LLC
CAL Communications
Capital Communications Consultants, Inc.
CuraTel, LLC
Data Net Systems, Inc. d/b/a Trucomm
EveryCall Communications, Inc.
FedLink Wireless, LLC
Four Star Marketing, LLC
Illinois Telephone Corporation
Linkup Telecom, Inc.
Meggatel Corporation
NHLT, Inc.
OneLink Wireless, Inc.
PhoneAid Communications Corp. dba PhoneAid Wireless
Prepaid Wireless Retail, LLC
ReCellular
Talkfly, LLC
TelOps International, Inc. dba AmTel
The Telephone Company, Inc.
T-Wire Corporation
Unity Telecom, LLC
U-Phone, LLC

APPENDIX B**ETC Designations Denied Without Prejudice**

COMPANY NAME
Birch Communications, Inc.
Conexions, LLC
FedLink Wireless, LLC
Leech Lake Telecommunications Company, LLC
LINE UP, LLC
Linkup Telecom, Inc.
Navajo Pillars Telecommunications, Inc.
Nexus Communications, Inc.
Nez Perce Tribe
OneLink Wireless, Inc.
PlatinumTel Communications, LLC
Prepaid Wireless Retail, LLC
Talkfly, LLC
TelOps International, Inc. dba AmTel
U-Phone, LLC