



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS FOR DESIGNATION AS A LOW-INCOME ELIGIBLE TELECOMMUNICATIONS CARRIER FILED BY NOW COMM, ZING PCS, LTS, ODIN WIRELESS AND TX MOBILE

WC Docket No. 09-197

Comment Date: January 22, 2013

Reply Comment Date: February 5, 2013

The Wireline Competition Bureau seeks comment on petitions filed by Birch Communications, Inc. (Birch) and Now Communications, LLC (collectively, Now Comm),¹ FLATEL Wireless, Inc. dba ZING PCS (ZING PCS),² LTS of Rocky Mount, LLC (LTS),³ Prepaid Wireless Retail, LLC dba Odin

¹ Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Nov. 29, 2012); Amendment to Birch Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act for Lifeline Support Only in the State of Texas, WC Docket No. 09-197 (filed Dec. 18, 2012) (collectively, Now Comm Amended Petition) (amending the petition to reflect that Birch's prepaid wireless Lifeline service will be provided by a separate legal entity known as Now Communications, LLC and subject to Birch's compliance plan). *See also* Letter from Angela F. Collins, Counsel to Birch and Now Comm, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 09-197, 11-42 (filed Dec. 18, 2012) (Now Comm explains that it will adopt and adhere by Birch's approved Compliance Plan and its business structure). Now Comm will have the same owners as Birch, including the same management and day-to-day operational personnel as currently utilized by Birch. *See* Now Comm Amended Petition at 2-3.

The Wireline Competition Bureau has approved Birch's compliance plan, which will also apply to Now Comm. *See Wireline Competition Bureau Approves the Compliance Plans of Birch Communications, Boomerang Wireless, IM Telecom, Q Link Wireless and TAG Mobile*, WC Docket Nos. 09-197 and 11-42, 27 FCC Rcd 9184 (Wireline Comp. Bur. 2012); *see also 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, 6816, para. 380 (2012) (*Lifeline Reform Order*).

² FLATEL Wireless, Inc. dba ZING PCS Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 14, 2012) (ZING PCS Petition). ZING PCS has a compliance plan pending with the Commission and may not be designated as an ETC until its plan has been approved by the Wireline Competition Bureau. *See* FLATEL Wireless, Inc. dba ZING PCS Amended Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Nov. 14, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

³ LTS of Rocky Mount, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Oct. 31, 2012) (LTS Petition). LTS has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* LTS of Rocky Mount, LLC Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 31, 2012); *see also, Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

Wireless (Odin Wireless),⁴ and TX Mobile, LLC (TX Mobile),⁵ for limited designation as an eligible telecommunications carrier (ETC) for the provision of Lifeline service. LTS and TX Mobile each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee and Virginia.⁶ ZING PCS and Odin Wireless each seek designation as an ETC for the limited purpose of offering Lifeline service in Alabama, Connecticut, Delaware, District of Columbia, Florida, New Hampshire, North Carolina, New York, Tennessee, Texas and Virginia. Now Comm seeks ETC designation for the limited purpose of offering Lifeline service in Texas.⁷

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

- 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.

⁴ Prepaid Wireless Retail, LLC dba Odin Wireless Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, Texas and Virginia, WC Docket No. 09-197 (filed Dec. 10, 2012) (Odin Wireless Petition). Odin Wireless has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* Prepaid Wireless Retail, LLC dba Odin Wireless Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Dec. 10, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd, at 6816, para. 380.

⁵ TX Mobile, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed Nov. 26, 2012) (TX Mobile Petition). TX Mobile has a compliance plan pending with the Commission and may not be designated an ETC until its plan has been approved by the Wireline Competition Bureau. *See* TX Mobile, LLC, Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed Oct. 18, 2012); *see also*, *Lifeline Reform Order*, 27 FCC Rcd at 6816, para. 380.

⁶ ZING PCS Petition at 1-2; LTS Petition at 1; Odin Wireless Petition at 1; TX Mobile Petition at 1.

⁷ Now Comm Amended Petition at 1-3.

⁸ *See* 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ 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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⁹ 47 C.F.R. §§ 1.1200 *et seq.*