

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

CC Docket No. 96-45

Federal-State Joint Board on Universal Service

Petition for Forbearance of i-Wireless, LLC

Petition for Forbearance of Head Start
Telecom, Inc.

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES
ON PETITIONS FOR FORBEARANCE**

On July 6, 2009, in response to the petitions for forbearance filed by i-Wireless, LLC (“i-Wireless”) and by Head Start Telecom, Inc. (“Head Start”), the National Association of State Utility Consumer Advocates (“NASUCA”)¹ and the National Emergency Number Association (“NENA”) filed comments. Both petitions seek, pursuant to 47 U.S.C. § 160, forbearance from the provision of 47 U.S.C. § 214(e)1)(A) that requires eligible telecommunications carriers (“ETCs”) to provide service at least partly over their own facilities.² Both companies seek forbearance solely in order to receive federal support for Lifeline service.³ NASUCA submits

¹ NASUCA is a voluntary, national association of consumer advocates in more than 40 states and the District of Columbia, organized in 1979. NASUCA’s members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts. *See, e.g.*, Ohio Rev. Code Chapter 4911; 71 Pa. Cons. Stat. Ann. § 309-4(a); Md. Pub. Util. Code Ann. § 2-205(b); Minn. Stat. Ann. Subdiv. 6; D.C. Code Ann. § 34-804(d). Members operate independently from state utility commissions, as advocates primarily for residential ratepayers.

² See i-Wireless Petition (filed April 1, 2009) at 1; Head Start Petition (filed May 15, 2009) at 1.

³ *Id.*

these brief reply comments to the Federal Communications Commission (“FCC” or “Commission”).⁴

NASUCA asserted that “it does not appear that the Commission can find that forbearance is in the public interest without more specificity as to how i-Wireless and Head Start plan to apply the federal support that they will receive upon designation as Lifeline ETCs.”⁵ NASUCA stands by that view.

NENA -- in virtually identical comments filed on each petition -- notes each petitioner proposes to abide by several conditions with respect to 911 and E911 services that the FCC imposed on TracFone and Virgin Mobile in granting those carriers’ petitions for forbearance from 47 U.S.C. § 214(e)(1)(A).⁶ But NENA points out that neither petitioner discusses the requirement that the carrier “self-certify ‘full compliance with any applicable [state] 911/E911 obligations, including obligations relating to the provision, and support, of 911 and E911 service.’”⁷ NENA requests that, with regard to the i-Wireless and Head Start petitions, “any grant of forbearance ... be conditioned in the same manner.”⁸

NASUCA agrees that if the Commission grants forbearance to i-Wireless and Head Start, the public safety condition proposed by NENA should be adopted. As noted by NASUCA, however, it has not yet been shown that such forbearance is in the public interest.

⁴ See Public Notices DA 09-1268 (i-Wireless), 09-1269 (Head Start).

⁵ NASUCA Comments at 2.

⁶ NENA i-Wireless Comments at 1; NENA Head Start Comments at 1.

⁷ Id. (citation omitted).

⁸ Id.

Respectfully submitted,

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