



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 12-2012

Release Date: December 11, 2012

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION OF THE *WHOLESALER-RESELLER CLARIFICATION ORDER* BY XO COMMUNICATIONS SERVICES, INC.**

**WC Docket No. 06-122**

**Comment Date: January 10, 2013**

**Reply Comment Date: January 25, 2013**

The Wireline Competition Bureau seeks comment on a petition for clarification and partial reconsideration of the *2012 Wholesaler-Reseller Clarification Order*<sup>1</sup> filed by XO Communications Services, Inc. (XO).<sup>2</sup> Specifically, XO asks the Commission to clarify or, in the alternative reconsider, the instructions to the Universal Service Administrative Company for evaluating evidence of actual contributions to the federal universal service fund by resellers. XO also seeks reconsideration of the “clear and convincing” standard of proof adopted in the *Order*.<sup>3</sup>

Pursuant to sections 1.415 and 1.419 of the Commission’s rules,<sup>4</sup> interested parties may file comments or reply comments on or before the dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).<sup>5</sup>

- *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 12<sup>th</sup> St., SW, Room TW-A325,

<sup>1</sup> *Wholesaler-Reseller Clarification Order*, WC Docket No. 06-122, Order, FCC 12-134 (rel. Nov. 5, 2012).

<sup>2</sup> Petition for Clarification and Partial Reconsideration by XO Communications Services, Inc., WC Docket No. 06-122, filed Dec. 5, 2012.

<sup>3</sup> *Id.*

<sup>4</sup> 47 C.F.R. §§ 1.415, 1.419.

<sup>5</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

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.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**Additional Copies.** In addition, one copy of each pleading must be sent to each of the following:

- Claudia Fox, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A360, Washington, D.C. 20554; e-mail: [Claudia.Fox@fcc.gov](mailto:Claudia.Fox@fcc.gov); and
- Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: [Charles.Tyler@fcc.gov](mailto:Charles.Tyler@fcc.gov).

**Ex Parte Rules.** The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>6</sup> 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 Claudia Fox, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484, or [Claudia.Fox@fcc.gov](mailto:Claudia.Fox@fcc.gov).

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<sup>6</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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