PUBLIC NOTICE

Federal Communications Commission
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DA 13-363

Released: March 8, 2013

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON REVISIONS TO FCC FORMS 472, 473 AND 474.

CC Docket No. 02-6

Comment Date: March 27, 2013
Reply Comment Date: April 8, 2013

Pursuant to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13,[1] the Wireline Competition Bureau is revising existing collection 3060-0856.[2] In this notice, we seek comment on the proposed revisions contained in the attached Federal Communications Commission (FCC) Forms 472, 473, and 474, as well as their accompanying instructions.

The purpose of FCC Form 472 is to establish the procedures for an applicant to seek reimbursement from the E-rate program (also known as the schools and libraries universal service support mechanism)[3] for discounts on services paid in full to its service provider.[4] The Universal Service Administrative Company (USAC) reviews the FCC Form 472 and invoices submitted by the applicant's service provider to verify the eligibility of the service and approve the amounts that should be reimbursed. The FCC Form 472 is also used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to USAC and that these invoices do not exceed the amount that has been approved by USAC.

The purpose of the FCC Form 473 is to ensure that service providers submit invoices to USAC that comply with the FCC's rules governing the E-rate program.[5] Specifically, the FCC Form 473 includes certifications attesting to service providers' compliance with the FCC's rules.

The purpose of FCC Form 474 is to establish the procedures for a service provider to seek payment for the discounted costs of services it provided to applicants for eligible services.[6] USAC reviews the service provider's FCC Form 474 and invoices to verify eligibility and approve amounts that

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[1] *See* 44 U.S.C. § 3507 (setting forth requirements when an agency seeks to adopt or revise a public information collection).

[2] *See* 60-Day PRA Notice for Collection 3060-0856, 78 Fed. Reg. 8527 (Feb. 6, 2013). The current forms expire on June 30, 2013.

[3] *See* 47 C.F.R. §§ 54.500-54.523.

[4] *See* 47 C.F.R. § 54.514(a).

[5] *See* 47 C.F.R. § 54.504(f).

[6] *See* 47 C.F.R. § 54.514(a).

can be paid. The FCC Form 474 is also used to ensure that each service provider has provided discounted services within the current funding year for which it submits an invoice to USAC and that these invoices do not exceed the amount that has been approved by USAC.

The proposed changes to the FCC Forms 472, 473, and 474 include:

- requiring the FCC Forms 472, 473, and 474 to be certified under penalty of perjury;
- modifying the existing certifications in FCC Forms 472 and 473 regarding recordkeeping to ensure consistency with section 54.516 of the Commission's rules, which requires service providers to retain documentation for at least five years after the last day of the delivery of discounted services;[7]
- adding certifications to the FCC Forms 472 and 474 regarding overall compliance with the E-rate program rules;[8]
- adding certifications to the FCC Form 473 regarding the cost allocation of eligible and ineligible services,[9] the payment of the non-discount share,[10] the prohibition of gifts as defined by Federal statute and regulations,[11] compliance with the lowest corresponding price requirement,[12] compliance with state and local competitive bidding rules,[13] verification of suspension or debarment,[14] and overall compliance with the E-rate program rules;[15] and
- non-substantive administrative changes to the FCC Form 474.

We seek comment on the proposed changes to the FCC Forms 472, 473 and 474, as well as their accompanying instructions. Interested parties may file **comments on or before March 27, 2013, and reply comments on or before April 8, 2013**. All pleadings are to reference **CC Docket No. 02-6**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.[16]

- *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. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by

[7] *See* 47 C.F.R. § 54.516.

[8] *See* 47 C.F.R. §§ 54.500-54.523.

[9] *See* 47 C.F.R. § 54.504(e) (1), (2).

[10] *See* 47 C.F.R. § 54.523.

[11] *See* 41 U.S.C. §§ 8701, 8702; 47 C.F.R. § 54.503(d).

[12] *See* 47 C.F.R. § 54.511(b).

[13] *See* 47 C.F.R. § 54.503(b).

[14] *See* 47 C.F.R. § 54.8.

[15] *See* 47 C.F.R. §§ 54.500-54.523.

[16] *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1999).

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 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 12th 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

In addition, we request that one copy of each pleading be sent to each of the following:

(1) Anita Patankar-Stoll, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 6-A265, Washington, DC 20554; e-mail: Anita.Patankar-Stoll@fcc.gov; and

(2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B521, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules.[17] 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.

[17] 47 C.F.R. §§ 1.1200 *et seq.*

For further information, please contact Anita Patankar-Stoll, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

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