

FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Market Disputes Resolution Division
45 L Street NE
Washington, D.C. 20054

August 1, 2024

Copies sent by E-mail

NOTICE OF FORMAL COMPLAINT

| | | |
|---------------------------------|---|--------------------------------------|
| MUSSIE GEBRE, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Proceeding Number 24-221 |
| |) | Bureau ID Number EB-24-MD-003 |
| |) | |
| LIGHTHOUSE FOR THE BLIND |) | |
| AND VISUALLY IMPAIRED, |) | |
| |) | |
| Defendant. |) | |

MUSSIE GEBRE
2648 INTERNATIONAL BLVD #115
OAKLAND, CA 94601
GMUSSIE@HOTMAIL.COM

Pro se Complainant

SHARON GIOVINAZZO
1155 MARKET ST 10TH FLOOR
SAN FRANCISCO, CA 94103
SHARONG@LIGHTHOUSE-SF.ORG

Registered Agent for Defendant

Dear Mr. Gebre and Ms. Giovinazzo:

On July 31, 2024, Mussie Gebre (Mr. Gebre) filed with this Commission a formal complaint against Lighthouse for the Blind and Visually Impaired (Lighthouse) alleging violations of Commission rules concerning the National Deaf-Blind Equipment Distribution Program (NDBEDP), 47 CFR §§ 64.6201-64.6219.¹ Mr. Gebre should have served Lighthouse with a copy of the Complaint. *See* 47 CFR § 1.734(c).² If that is not the case, Lighthouse immediately should contact Commission counsel.

¹ Formal Complaint, Proceeding Number 24-221, Bureau ID Number EB-24-MD-003 (filed July 31, 2024) (Complaint). Mr. Gebre filed an incomplete version of a complaint on July 3, 2024, and filed the remaining documents necessary to constitute a complete complaint on July 31, 2024.

² For this proceeding, we previously waived the hand-service requirements of this rule and of 47 CFR § 1.47(e). *See* 47 CFR § 64.6217(c) (“Commission staff may grant waivers of, or exceptions to, particular requirements under §§ 1.720

Lisa Boehley and I are Commission counsel for this proceeding. My phone number is (202) 418-0324, and my e-mail address is Adam.Suppes@fcc.gov. Lisa Boehley's phone number is (202) 418-7395, and her e-mail address is Lisa.Boehley@fcc.gov.

This letter outlines the procedural rules relevant to this case and establishes a schedule for the proceeding. We will conduct this proceeding in accordance with the Commission's rules governing formal complaint proceedings that are found at 47 CFR §§ 1.720-1.740.³ In addition, we note that Mr. Gebre was agreeable to mediation. By August 9, 2024, Lighthouse should indicate whether it is also amenable to mediation.⁴

Schedule for this Proceeding

The schedule for this proceeding is set forth below. All filings must comply with the Commission's formal complaint rules and with this Notice.⁵

1) By August 30, 2024, Lighthouse must file and serve an answer to the complaint that complies with 47 CFR § 1.726. Any interrogatories posed by Lighthouse must be filed and served concurrently with the answer. 47 CFR § 1.730(a). Any motions filed in response to the complaint should also be submitted with the answer.⁶

2) By September 9, 2024, Mr. Gebre must file and serve a reply to the answer that complies with 47 CFR § 1.728. Any second request for interrogatories posed by Mr. Gebre must be filed and served concurrently with the reply. 47 CFR § 1.730(a).

through 1.740 of this chapter for good cause shown[.]”). Email from Market Disputes Resolution Division to Mussie Gebre, File No. EB-24-MD-003 (June 20, 2024).

³ 47 CFR § 64.6217(c). *See also Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, 33 FCC Rcd 7178 (2018) (*Rule Consolidation Order*). The rules governing this proceeding differ significantly from the Federal Rules of Civil Procedure. For example, the Commission requires parties to file fact-based pleadings. *See Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed when Formal Complaints Are Filed Against Common Carriers*, Report and Order, 12 FCC Rcd 22497, at 54, para. 120 (1997), 47 CFR §§ 1.721(b)-(d), (r), 1.726(b). Further, such proceedings “are generally resolved on a written record consisting of a complaint, answer, reply, and joint statement of stipulated facts, disputed facts and key legal issues, along with all associated evidence in the record.” 47 CFR § 1.721.

⁴ Email from Market Disputes Resolution Division to Diana McCown, File No. EB-24-MD-003 (June 20, 2024); Email from Mussie Gebre to Market Disputes Resolution Division, File No. EB-24-MD-003 (June 18, 2024).

⁵ Staff has authority under sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, to modify the filing deadlines and other requirements contained in the formal complaint rules as the circumstances of individual cases warrant and to the extent consistent with section 1.740 of the rules, 47 CFR § 1.740. In addition, any filing containing a citation to material that appears on the Internet must attach a hard copy of that material. *See* 47 CFR § 1.721(g), (k).

⁶ Although motions to dismiss are permitted, they should be filed only in rare circumstances. 47 CFR § 1.729(d); *Rule Consolidation Order*, 33 FCC Rcd at 7182-83, paras. 13-14 (“[M]otions to dismiss are rarely warranted. The formal complaint rules “are designed so that a defendant's answer is a comprehensive pleading containing complete factual and legal analysis, including a thorough explanation of every ground for dismissing or denying the complaint.” (quoting *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed when Formal Complaints Are Filed Against Common Carriers*, Order on Reconsideration, 16 FCC Rcd 5681, 5696 (2001) (*Formal Complaints Recon Order*); *Rule Consolidation Order*, 33 FCC Rcd at 7183, para. 14 (“[W]e consider there to be few circumstances justifying the filing of a separate motion to dismiss. . .”).

3) A party must file and serve any opposition and objections to the opposing party's interrogatories within seven calendar days after service of the interrogatories. Any interrogatories to which no opposition or objection is raised must be answered within 20 days of service. 47 CFR § 1.730(c).

4) The parties must discuss the resolution or narrowing of as many issues as possible. Such discussions should include the following matters: settlement prospects, discovery, factual and legal issues in dispute, the case schedule, and the preparation of joint statements.⁷ See 47 CFR § 1.733(b). Based on these discussions, the parties should prepare joint statements of (a) stipulated facts, disputed facts, and key legal issues; and (b) all proposals agreed to and any disputes remaining regarding the matters listed in 47 CFR § 1.733(b)(1). The joint statements must be filed by September 26, 2024. The parties may submit these two joint statements in a single document if each is separately identified therein. We strongly encourage the parties to devote substantial effort to developing comprehensive and detailed joint statements. See *Formal Complaints Recon Order*, 16 FCC Rcd at 5696-97.

5) An initial status conference in this proceeding has been scheduled for October 10, 2024. The conference will be conducted virtually, and will occur at a time and in a manner to be determined that accommodates the parties. We require each party to include in the conference a client representative with knowledge of the central facts and authority to settle the dispute. See 47 CFR § 1.733. The parties also should be prepared to spend at least four hours in conference.

The parties must file a public version of all written submissions in this proceeding using the Commission's Electronic Comment Filing System (ECFS). All written submissions should (a) prominently contain the Proceeding Number and Bureau ID Number referenced above, and (b) be addressed to the Commission Secretary. A party that seeks to file both a public version and a confidential version of a submission must do so in compliance with section 1.731 of the Commission's rules, and must file the public (redacted) version on ECFS and send the Commission and the opposing party a complete and unredacted copy. See 47 CFR § 1.731. (In that regard, we have waived section 1.731(a)(3) to the extent it requires filing the unredacted materials with the Secretary's Office.) A party asserting confidentiality for any information or materials should restrict its designations to encompass only the specific information that it asserts is confidential. Confidential designations in pleadings must be clearly identified and marked accordingly, e.g., [Begin Confidential]/[End Confidential]. Confidential filings also must clearly identify and mark each page, or portion thereof, which includes confidential designations. See 47 CFR § 1.731(a)(1). The parties must serve all filings via e-mail, hand-delivery, or overnight delivery, together with proof of service. See 47 CFR § 1.734(f). No hand deliveries are accepted at that the FCC Headquarters. All hand deliveries should be directed to Federal Communications Commission, Office of the Secretary, 9050 Junction Drive, Annapolis Junction, MD 20701. Also, please email copies of all filings (both public versions and confidential versions) in a format that permits full text searching, if possible to Commission counsel for this proceeding and Sandra Gray-Fields (sandra.gray-fields@fcc.gov). See 47 U.S.C. § 154(i); 47 CFR § 1.734(e). See also *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure Relating to the Filing of Formal Complaints Under Section 208 of the Communications Act and Pole Attachment Complaints Under Section 224 of the Communications Act*, Order, 29 FCC Rcd 14078, 14081, para. 11 (2014) (requiring parties to provide hard copies of submissions to Commission staff upon request).

This proceeding is restricted for *ex parte* purposes. See 47 CFR Part 1, Subpart H. Further, the parties are required to retain all records that may be relevant to the complaint, including electronic records, until the

⁷ Parties should attempt to resolve any discovery disputes prior to the submission of the joint statement(s). Staff will address any unresolved discovery disputes at the status conference. Staff generally will consider motions to compel discovery filed pursuant to sections 1.729(b) and 1.730(h), 47 CFR §§ 1.729(b), 1.730(h), only after a party fails to comply with discovery ordered at the status conference.

Commission's decision in this proceeding is final and no longer subject to judicial review. *See* 47 U.S.C. § 154(i).

We issue this letter ruling under sections 4(i) and 4(j) of the Act, 47 U.S.C. § 154(i), (j), sections 1.3 and 1.720-1.740 of the Commission's rules, 47 CFR §§ 1.3, 1.720-1.740, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

/s/ J. Adam Suppes

J. Adam Suppes
Market Disputes Resolution Division
Adam.Suppes@fcc.gov