



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 – 12th Street, S.W.

WASHINGTON, D.C. 20554

DA 00-441

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Released: March 1, 2000

ATEAC, Inc., Alaska Telephone Company; Arctic Slope Telephone Association Cooperative Inc.; Interior Telephone Company Inc.; Mukluk Telephone Company, Inc.; United-KUC, Inc. Petitions for Waiver of Part 61, Section 61.41(c) and 61.41(d) of the Commission's Rules

Pleading Cycle Established

CCB/CPD NO. 00-03

COMMENTS: March 24, 2000

REPLY COMMENTS: April 7, 2000

On February 8, 2000, the above captioned Petitioners, ATEAC Inc. et al., all rate of return carriers, filed a petition requesting that the Commission waive sections 61.41(c) and (d) of the Commission's rules, 47 C.F.R. §§ 61.41(c) and 61.41(d). Section 61.41(c) (2) of the Commission's Rules, provides that when a non-price cap company acquires a price cap company, or any part thereof, the acquiring company shall become subject to price cap regulation. Section 61.41 (d) of the Commission's Rules provides that local exchange carriers electing price cap regulation may not thereafter elect rate of return regulation. ATEAC, Inc. et al. request that the Commission waive these rules in order to allow ATEAC, initially, the Alaska Telephone Company (ATC); the Arctic Slope Telephone Association Cooperative, Inc. (ASTAC); Interior Telephone Company (ITC); Mukluk Telephone Company (MTC) and United Companies, Inc. (United-KUC), and United Utilities, Inc. (UUT), shortly thereafter, to acquire thirteen Alaska telephone exchanges from GTE Alaska Incorporated ("GTEA"), a price cap carrier, and operate these exchanges on a rate of return basis.

Petitioner ATEAC is owned by the four corporations, which are parent companies of the other Petitioners. Petitioners ATC, ASTAC, ITC and MTC, and wish to continue to operate as rate of return carriers after acquiring the new exchanges. Petitioners assert that section 61.41(c) of the Commission's rules should be waived in order to allow them to operate the Alaska exchanges subject to rate of return regulation in spite of their previous operation by GTEA under price cap regulation.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Interested parties may file comments no later than March 24, 2000. Reply comments may be filed no later than April 7, 2000. When filing comments, please reference the internal file number: CCB/CPD 00-

03.

An original and four copies of all comments and reply comments must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 - 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231 - 20th Street, N.W., Washington, D.C. 20036, and one copy with the Chief, Competitive Pricing Division, 445 – 12th Street, S.W., T.W – A225, Washington, D.C. 20554.

For further information, contact Ana J. Curtis, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520.

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