



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1414

**M&L ENTERPRISES, INC., d/b/a SKYLINE TELEPHONE COMPANY
FILED A PETITION FOR WAIVER OF SECTIONS 36.611,
36.612 AND 69.2 (hh) "UNIVERSAL SERVICE FUND"
OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC DKT 96-45

Released Date: June 15, 2001

Comment Date: June 29, 2001
Reply Date: July 16, 2001

On May 25, 2001, M&L Enterprises, Inc., d/b/a Skyline Telephone Company (Skyline Telephone) filed a petition for waiver of 47 C.F. R. Sections 36.611, 36.612 and 69.2 (hh) of the Commission's rules. Skyline Telephone is a new company that will be providing initial telephone service within a high-cost rural area serving the Mt. Hull exchange in the State of Washington. This waiver would permit Skyline Telephone to have immediate access to universal service fund ("USF") support based on Skyline Telephone's current data for USF reporting purposes for an interim period until the Skyline Telephone study area is available on a basis that represents a full year of operational expenses. This waiver would also direct the National Exchange Carrier Association, Inc. to make payments to Skyline Telephone using current projections of costs that would be subject to quarterly adjustments based on actual incurred costs.

Under our rules, eligibility for USF support payment is determined on the basis of historical cost. For example, 2001 USF support is based on 1999 cost data. Skyline Telephone contends that immediate USF support is critical to its ability to bring service to unserved customers in a timely manner. Skyline Telephone states that as a new exchange carrier, it does not have any historical cost data upon which to base current USF distributions in accordance with Commission rules that are applicable in the absence of the requested relief. As a consequence, Skyline Telephone states that application of those rules would preclude it from receiving USF support payments until 2003. Skyline Telephone requests that the Commission grant Skyline's waiver request to permit it to serve the public interest by allowing it to provide expedited and economic service to previously unserved areas.

In addition, Skyline Telephone seeks waiver of the definition of “incumbent local exchange carrier” for the purpose of application of Part 69 rules and for the purpose of calculation of universal service support to ensure that its activities in providing initial service to unserved areas is accorded appropriate regulatory treatment.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before June 29, 2001, and reply comments on or before July 16, 2001. Comments may be filed using the Commission’s Electronic comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form <your e-mail address.>” A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission’s Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A422, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission’s copy contractor, International Transcription service, Inc., 1231 20th Street, NW, Washington, D.C. 20037.

We will treat this proceeding as a permit-but-disclose proceeding for purposes of the Commission’s ex parte rules. See generally, 47 C.F.R. §§ 1.1200-1.1206. However, if this waiver petition is opposed, it will be treated as a restricted proceeding under the Commission’s ex parte rules. See generally, 47 C.F.R. § 1.1208. For further information contact Antoinette Stevens at (202) 418-7400, TTY (202) 418-0484.