

# PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 01-1605

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## **SADDLEBACK COMMUNICATIONS AND QWEST CORPORATION SEEK A WAIVER OF THE DEFINITION OF "STUDY AREA" IN PART 36 AND SECTIONS 61.41(C) AND 69.3(E)(11) OF THE COMMISSION'S RULES**

### **PLEADING CYCLE ESTABLISHED**

**CC Docket No. 96-45**

**Release Date: July 10, 2001**

**Comment Date: August 9, 2001**

**Reply Comment Date: August 24, 2001**

On June 12, 2001, Saddleback Communications (Saddleback) and Qwest Corporation (Qwest) filed a joint petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules. That definition constitutes a rule freezing all study area boundaries. Saddleback is acquiring approximately 2700 access lines that are part of Qwest's Phoenix, Arizona exchange located within the boundaries of the Salt-River Pima-Maricopa Indian Community. The requested waiver would permit Qwest to alter the boundaries of its existing Arizona study area in order to remove those lines. This waiver would also permit Saddleback to create a new study area for the portion of the Phoenix telephone exchange it intends to acquire from Qwest. The petitioners submitted a letter from the Arizona Corporation Commission indicating that it does not object to the Commission commencing its review of the proposed study area waiver.

Saddleback also seeks waiver of section 61.41(c) of the Commission's price cap rules, 47 C.F.R. § 61.41. Section 61.41(c) requires non-price cap companies, and the telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof. The requested waiver would permit Saddleback to operate under rate-of-return regulation after acquiring the Qwest exchange that is currently under price cap regulation. Finally, Saddleback seeks waiver of section 69.3(e)(11) of the Commission's rules, 47 C.F.R. § 69.3(e)(11), to the extent necessary, to permit Saddleback to become an issuing carrier in the National Exchange Carrier Association (NECA) tariffs and participate in the NECA pools upon consummation of the acquisition of the access lines.

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 **August 9, 2001**, and reply comments on or before **August 24, 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](mailto: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, S.W., 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 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Gene Fullano, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.