



PUBLIC NOTICE

Federal Communications Commission
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DA 02-1005

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON GUAM CELLULAR AND PAGING, INC. d/b/a SAIPANCELL PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
ON THE ISLAND OF SAIPAN IN THE COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: May 1, 2002

Comment Date: 30 days after publication in Federal Register

Reply Comment Date: 45 days after publication in Federal Register

On February 19, 2002, Guam Cellular and Paging, Inc. d/b/a Saipancell (Saipancell) filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered on the island of Saipan in the Northern Mariana Islands.¹ The Commission issued a Public Notice on March 4, 2002 seeking comment on the Saipancell Petition.² Saipancell subsequently filed an amendment to its petition and at Saipancell's direction,³ we are tolling the filing of the

¹ See *Guam Cellular and Paging, Inc. d/b/a Saipancell Petition for Designation as an Eligible Telecommunications Carrier on the Island of Saipan in the Commonwealth of the Northern Mariana Islands*, filed February 19, 2002 (Saipancell Petition).

² See *Common Bureau Seeks Comment on Guam Cellular and Paging, Inc. d/b/a Saipancell Petition for Designation as an Eligible Telecommunications Carrier on the Island of Saipan in the Commonwealth of the Northern Mariana Islands*, CC Docket No. 96-45, Public Notice, DA 02-510 (rel. Mar. 4, 2002) (Public Notice). See also 67 Fed. Reg. 13332 (Mar. 22, 2002).

³ See Saipancell Petition, Amendment at 1-2 (stating that the Commonwealth Telecommunications Commission (CTC), and not the Commonwealth Utilities Corporation, is the appropriate authority to issue statements regarding jurisdictional matters). See also Letter from David A. LaFuria, Counsel for Saipancell, to Marlene H Dortch, Secretary of the FCC, dated April 22, 2002.

Saipancell Petition to April 15, 2002, the date Saipancell filed its amended petition.⁴

Saipancell contends that: 1) the CTC, which has jurisdiction over telecommunications in the Northern Mariana Islands, has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers, 2) Saipancell meets all the statutory and regulatory prerequisites for ETC designation, and 3) designating Saipancell as an ETC will serve the public interest.⁵

Pursuant to section 54.207(c) of the Commission's rules,⁶ Saipancell also requests that the Commission redefine the service area of the incumbent rural local exchange carrier, Micronesian Telephone Corporation (MTC).⁷ MTC serves three islands in the Northern Mariana Islands - Saipan, Tinian, and Rota.⁸ Saipancell seeks redefinition of the MTC service area to enable Saipancell to be designated as an ETC only for the island of Saipan.⁹ The Wireline Competition Bureau seeks comment on the Saipancell Petition, including the requested service area redefinition. Parties that have already filed comments on the Saipancell Petition may, but are not required to, resubmit their comments.

The petitioner must provide copies of its petition to the CTC at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the CTC by overnight express mail to ensure that the CTC is notified of the notice and comment period.

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 as follows: comments are due **30 days after publication of the Public Notice in the Federal Register** and reply comments are due **45 days after publication of the Public Notice in the Federal Register**. 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. 24121 (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

⁴ In the *Twelfth Report and Order*, the Commission established an internal processing schedule to resolve ETC petitions for non-tribal lands within 6 months of the date a petition is properly before the Commission. *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12265, para. 114 (2000) (*Twelfth Report and Order*). According to that schedule, the Commission has 6 months from April 15, 2002 to resolve the Saipancell Petition.

⁵ Saipancell Petition at 1-9, 16-17.

⁶ *See* 47 C.F.R. § 54.207(c) (outlining the requirements for petitions seeking to redefine a service area of a rural telephone company).

⁷ Saipancell Petition at 10-15.

⁸ *See* Saipancell Petition at 11 n.24.

⁹ *Id.* at 10-15.

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, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get 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 appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition 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, Qualex International, Portals II, 445 Twelve Street, S.W., Room CY-B402, Washington, D.C. 20054.

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 Mark Seifert, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.