



PUBLIC NOTICE

Federal Communications Commission
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DA 03-1929

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON NPCR, INC. d/b/a/ NEXTEL PARTNERS PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
COMMONWEALTH OF PENNSYLVANIA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: June 12, 2003

Comment Date: 10 days from publication in the Federal Register

Reply Comment Date: 17 days from publication in the Federal Register

On April 3, 2003, NPCR, Inc. d/b/a/ Nextel Partners (Nextel Partners PA) filed with the Commission a petition under section 214(e)(6) of the Communications Act of 1934, as amended.¹ In particular, Nextel Partners PA seeks designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in those portions of Nextel Partners PA's licensed service area located in rural study areas in Pennsylvania currently served by Bentleyville Communications Company, Frontier Communications of Breezewood, Inc., Buffalo Valley Telephone Company, Frontier Communications of Canton, Inc., Commonwealth Telephone Company, Conestoga Telephone & Telegraph Company, Denver and Ephrata Telephone & Telegraph Company, Ironton Telephone Company, Lackwaxen Telecommunications Services, Inc., Laurel Highland Telephone Company, Mahanoy and Mahantongo Telephone Company, Marianna & Scenery Hill Telephone Company, North Eastern Pennsylvania Telephone Company, North Penn Telephone Company, Armstrong Telephone Company – North, Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone Company, Venus Telephone Corporation, and West Side

¹ 47 U.S.C. § 214(e)(6).

Telecommunications.²

Nextel Partners PA contends that the Pennsylvania Public Utility Commission (Pennsylvania Commission) lacks jurisdiction to consider Nextel Partners PA's petition because wireless carriers are not subject to state jurisdiction in Pennsylvania.³ Hence, according to Nextel Partners PA, the Commission has jurisdiction under section 214(e)(6) to consider and grant its petition.⁴ Nextel Partners PA also maintains that it satisfies all the statutory and regulatory prerequisites for ETC designation,⁵ and that designating Nextel Partners PA as an ETC will serve the public interest.⁶ The Wireline Competition Bureau seeks comment on the Nextel Partners PA petition.

The petitioner must provide copies of its petition to the Pennsylvania Commission. The Commission will also send a copy of this Public Notice to the Pennsylvania Commission by overnight express mail to ensure that the Pennsylvania Commission 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 **10 days after publication of the Public Notice in the Federal Register** and reply comments are due **17 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 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.

² See *NPCR, Inc. d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, filed April 3, 2003 (Nextel Partners PA Petition). Nextel Partners PA requests ETC designation for 22 study areas in Pennsylvania. See Nextel Partners PA Petition at Attachment 1.

³ Nextel Partners PA Petition at 4-5 and Attachment 2.

⁴ *Id.* at 2.

⁵ *Id.* at 2-8.

⁶ *Id.* at 8-9.

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. 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, Vistronix, 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 sent to the Commission's Secretary, Marlene H. Dortch, 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, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th 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 12th 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 Karen Franklin, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.