



PUBLIC NOTICE

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DA 03-3056

WIRELINE COMPETITION BUREAU INITIATES PROCEEDING TO CONSIDER RCC MINNESOTA'S PETITION TO REDEFINE RURAL TELEPHONE COMPANY SERVICE AREAS IN THE STATE OF MAINE

CC Docket No. 96-45

Release Date: October 6, 2003

The Wireline Competition Bureau (Bureau) provides notice that it is initiating a proceeding to consider the petition filed by RCC Minnesota, Inc. (RCC) pursuant to section 54.207(c) of the Commission's rules, requesting the Commission's agreement with the Maine Public Utilities Commission's (Maine Commission) proposed "service area" definition for areas within the state of Maine served by Community Service Telephone Co., Island Telephone Co., Northland Telephone of Maine, Inc., Oxford County Telephone & Telegraph Co., Oxford West Telephone Company, Somerset Telephone Co., Standish Telephone Co., and West Penobscot Telephone & Telegraph Co. (collectively, Rural Telcos).¹ The Maine Commission instructed RCC to petition the Commission for concurrence in the Maine Commission's decision to disaggregate the service areas of the Rural Telcos into service areas that are coterminous with the Rural Telcos' wire center boundaries.² The Bureau recently released a Public Notice seeking comment on RCC's petition and will not, at this time, seek additional comments on RCC's Petition.³

Commission Rules: For areas served by a rural telephone company, section 214(e)(5) of the Communications Act of 1934, as amended (the Act), provides that the company's service area will be its study area "unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company."⁴ Section 54.207 of the Commission's rules and the *Universal Service Order* set forth the procedures for consideration of petitions seeking to designate

¹ *Petition of RCC Minnesota, Inc. for Redefinition of Rural Telephone Company Service Areas*, CC Docket No. 96-45, filed on June 24, 2003 (Petition).

² *See RCC Minnesota, Inc. et. al., State of Maine Public Utilities Commission*, Docket No. 2002-344, Order at 11 (May 13, 2003).

³ *See Wireline Competition Bureau Seeks Comment on RCC Minnesota's Petition to Redefine Rural Telephone Company Service Areas in the State of Maine*, CC Docket No. 96-45, Public Notice, 18 FCC Rcd 13162 (Wireline Comp. Bur. 2003).

⁴ *See* 47 U.S.C. § 214(e)(5).

service areas for rural telephone companies that are different from such companies' study areas.⁵

Section 54.207(c)(3) of the Commission's rules provides that the Commission may initiate a proceeding to consider a petition to redefine the service area of a rural telephone company within ninety days of the release date of a Public Notice.⁶ If the Commission initiates a proceeding to consider the petition, the proposed definition shall not take effect until both the state commission and the Commission agree upon the definition of a rural service area, in accordance with section 214(e)(5) of the Act.⁷ Under section 54.207(e) of the Commission's rules, the Commission delegates its authority under section 54.207(c) to the Chief of the Wireline Competition Bureau.⁸

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

⁵ See 47 C.F.R. § 54.207(c). Specifically, section 54.207(c)(1) provides that such a petition shall contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. See also *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881, para. 188 (1997) (*Universal Service Order*) (subseq. history omitted).

⁶ 47 C.F.R. § 54.207(c)(3). We note that if the Commission did not act on the Petition within 90 days of the release of the Public Notice, the definition proposed by the Colorado Commission would be deemed approved by the Commission and would take effect in accordance with state procedures. 47 C.F.R. § 54.207(c)(3)(ii).

⁷ See 47 C.F.R. § 54.207(c)(3)(i); 47 U.S.C. § 214(e)(5).

⁸ 47 C.F.R. § 54.207(e).