



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION OF NPCR, INC. D/B/A NEXTEL PARTNERS FOR WAIVER OF SECTION 54.313 OF THE COMMISSION'S RULES

**Comment Date: December 29, 2003**

**Reply Comment Date: January 5, 2004**

On October 21, 2003, NPCR, Inc. d/b/a Nextel Partners (Nextel Partners) filed a petition with the Commission seeking waiver of the April 1 deadline set forth in section 54.313(d), which requires states to file an annual certification with the Universal Service Administrative Company and the Commission stating that all universal service high-cost support received by such carrier will be used “only for the provision, maintenance, and upgrading of facilities and services for which support is intended.”<sup>1</sup>

Nextel Partners is a Commercial Mobile Radio Service carrier providing service in the State of Mississippi and was designated as an eligible telecommunications carrier (ETC) by the Mississippi Public Service Commission (Mississippi Commission) on September 29, 2003.<sup>2</sup> Although the Mississippi Commission met the October 1 filing deadline so that Nextel Partners can receive high-cost support as of first quarter 2004, Nextel Partners seeks a waiver of the April 1 deadline so that it can receive support as of the date of its ETC designation, *i.e.*, September 29, 2003, through fourth quarter 2003.<sup>3</sup> Nextel Partners states that granting a waiver of the filing deadline would be consistent with the Commission’s goals of competitive neutrality and bringing advanced mobile telecommunications technologies to all citizens.<sup>4</sup> Nextel Partners therefore

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<sup>1</sup> *NPCR, Inc. d/b/a Nextel Partners Petition for Waiver of Section 54.313(d) of the Commission’s Rules – Expedited Treatment Requested*, filed October 21, 2003 (*Petition*). 47 C.F.R. § 54.313(d)(3)(iii) (states must certify by April 1 for non-rural carriers to receive high-cost support for the third and fourth quarters of that same year). Nextel Partners filed an erratum to the *Petition* clarifying that it is seeking waiver of the April 1, 2003 deadline (not the July 1, 2003 deadline indicated in parts of the *Petition*) so that it will receive universal service support for the services it has provided between September 29, 2003, the date of its ETC designation, and December 31, 2003. *NPCR, Inc. d/b/a Nextel Partners Erratum to Petition for Waiver*, filed November 25, 2003.

<sup>2</sup> *Petition* at 1-2.

<sup>3</sup> *Id.* at 2-3.

<sup>4</sup> *Id.* at 4-5.

requests that the Commission grant the waiver request so that it can receive high-cost universal service support for the period September 29, 2003 to December 31, 2003.<sup>5</sup>

We invite comment on the Nextel Partners' waiver request. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before **December 29, 2003**, and reply comments on or before **January 5, 2004**. All filings should refer to CC Docket No. 96-45. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>6</sup>

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](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. 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, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 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 12<sup>th</sup> Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, 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 12<sup>th</sup> Street, SW, Room 5-B540, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20054.

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<sup>5</sup> *Id.* at 7.

<sup>6</sup> *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

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 Scott A. Mackoul, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-7498 or [Scott.Mackoul@fcc.gov](mailto:Scott.Mackoul@fcc.gov). The TTY number is 202-418-0484.