

# PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET, S.W.  
WASHINGTON, D.C. 20554

DA 04-1422

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON QWEST CORPORATION'S PETITION FOR WAIVER OF SECTION 54.313 OF THE COMMISSION'S RULES

### PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: May 20, 2004

Comment Date: June 10, 2004

Reply Comment Date: June 24, 2004

On March 23, 2004, Qwest Corporation (Qwest) filed a petition with the Commission for a waiver of section 54.313 of the Commission's rules,<sup>1</sup> so that Qwest can obtain federal high-cost universal service support for its service area in Nebraska for the first and second quarters of 2004.<sup>2</sup> Pursuant to the Commission's rules, before non-rural carriers may obtain certain high cost universal service support, state commissions must file a state certification of support in accordance with certain deadlines.<sup>3</sup> The timing of the state commission filing affects the period for which non-rural carriers receive high cost universal service support.<sup>4</sup> In its petition, Qwest explains that, because it was not eligible to obtain certain high cost universal service support in Nebraska in prior years, the Nebraska Public Service Commission (Nebraska PSC) did not file the appropriate state certification in time for Qwest to receive support for all four quarters of 2004.<sup>5</sup> Qwest further explains that the Nebraska PSC concluded a proceeding on March 16, 2004 and found that Qwest properly demonstrated that it would use the federal high cost universal service support for appropriate purposes. For these reasons, Qwest requests that the

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<sup>1</sup> 47 C.F.R. §54.313.

<sup>2</sup> See Qwest Corporation, Inc. *Petition for Waiver of Section 54.313 of the Commission's Rules*, filed March 23, 2004 (Qwest Petition).

<sup>3</sup> 47 C.F.R. §54.313(a).

<sup>4</sup> 47 C.F.R. §54.313(d)(3).

<sup>5</sup> Qwest Petition at 1-2.

Commission grant, pursuant to section 1.3 of the Commission's rules, a waiver of section 54.313 to treat the Nebraska PSC state certification as timely filed in order for Qwest to obtain support for all of 2004.<sup>6</sup>

We invite comment on the Petition for Waiver. 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 **June 10, 2004**; and reply comments on or before **June 24, 2004**. 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](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, 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.

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<sup>6</sup> Qwest Petition at 3-4.

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