



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2911

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
PETITION TO REDEFINE CERTAIN RURAL TELEPHONE COMPANY SERVICE AREAS IN
THE STATE OF MINNESOTA**

CC Docket No. 96-45

Release Date: September 9, 2004

Comment Date: September 23, 2004
Reply Comment Date: October 7, 2004

The Wireline Competition Bureau seeks comment on a petition filed by RCC Minnesota, Inc. and Wireless Alliance, LLC (collectively "RCC"), pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the Minnesota Public Utilities Commission's (Minnesota Commission) proposed redefinition for service areas of the Benton Cooperative Telephone Company and the Sherburne County Rural Telephone Company.¹

This is the Public Notice required by section 54.207(c)(2).² If the Commission initiates a proceeding to consider the Petition, it must do so within ninety (90) days from the release of this Public Notice.³ If the Commission does not act on the Petition within 90 days of the release of this Public Notice, the definition proposed by the Minnesota Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁴

¹ *Petition of RCC Minnesota, Inc. and Wireless Alliance, LLC for Redefinition of Rural Telephone Company Service Areas*, CC Docket No. 96-45, filed August 27, 2004 (Petition). Section 54.207 of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural telephone 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." 47 C.F.R. § 54.207(b). *See also* 47 U.S.C. § 214(e)(5).

² 47 C.F.R. § 54.207(c)(2).

³ 47 C.F.R. § 54.207(c)(3)(i).

⁴ *See* 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

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 on or before **September 23, 2004**, and reply comments on or before **October 7, 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/cgb/ecfs/>. 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." 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, 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.

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