



PUBLIC NOTICE

Federal Communications Commission
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DA 05-1544
Released: May 27, 2005

**ADAK EAGLE ENTERPRISES, LLC d/b/a ADAK TELEPHONE UTILITY SEEKS
WAIVER OF SECTIONS 36.611, 36.612, 54.301(b), 54.314(d), 54.903(a)(3), 69.2(hh) AND
69.3(e)(6) OF THE COMMISSION'S RULES AND, IF NECESSARY, A WAIVER OF
THE STUDY AREA BOUNDARY FREEZE AS CODIFIED IN PART 36 OF THE
COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: June 13, 2005
Reply Comments Due: June 20, 2005

On February 9, 2005, Adak Eagle Enterprises, LLC d/b/a Adak Telephone Utility (Adak) filed a petition for waivers of sections 36.611, 36.612, 54.301(b), 54.314(d), 54.903(a)(3), 69.2(hh), and 69.3(e)(6) of the Commission's rules.¹ The requested waivers would: (1) permit Adak receive high-cost loop support immediately; (2) waive state certification deadlines; (3) allow Adak to be eligible to receive local switching support and interstate common line support beginning January 1, 2005; (4) waive the definition of "telephone company;" (5) allow Adak to become a member of the National Exchange Carrier Association (NECA); and (6) allow Adak to immediately participate in NECA's pools and tariffs. The petition also requests, if necessary, a waiver of the study area boundary freeze as codified in Part 36 of the Commission's Rules.² This waiver, if necessary, would allow Adak to establish a new study area in the state of Alaska.

Interested parties may file **comments on or before June 13, 2005** and **reply comments on or before June 20, 2005**. 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

¹See 47 C.F.R. §§ 36.611, 36.612, 54.301(b), 54.314(d), 54.903(a)(3), 69.2(hh) and 69.3(e)(6).

²See 47 C.F.R. Part 36, App. (defining "study area").

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 e-mail to ecfs@fcc.gov, and should include the following words in the subject line “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, 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.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5-C408, Washington, D.C. 20554; e-mail: gary.seigel@fcc.gov.
- (3) Katie King, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5-B544, Washington, D.C. 20554; e-mail: Katie.King@fcc.gov.
- (4) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554; e-mail: sheryl.todd@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, the Commission’s duplicating contractor, Best Copy and Printing, Inc.,

Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.³ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁴ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.⁵

For further information, please contact Gary Seigel at (202) 418-0879, or Katie King at (202) 418-7491.

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³47 C.F.R. §§ 1.1200 *et seq.*

⁴*See* 47 C.F.R. § 1.1206(b)(2).

⁵47 C.F.R. § 1.1206(b).