



PUBLIC NOTICE

Federal Communications Commission
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DA 05-2890

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION TO
REDEFINE THE SERVICE AREA OF A CERTAIN RURAL TELEPHONE COMPANY IN THE
COMMONWEALTH OF KENTUCKY**

CC Docket No. 96-45

Released Date: November 3, 2005

Comment Date: November 18, 2005

Reply Comment Date: December 5, 2005

The Wireline Competition Bureau seeks comment on a petition filed by the American Cellular Corporation (ACC) pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the decision of the Kentucky Public Service Commission (Kentucky PSC) to redefine the service area of the ACC.¹

This is the Public Notice required by section 54.207(c)(2) of the Commission's rules.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 by February 1, 2006, the definition proposed by the Kentucky PSC will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁴

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 **November 18, 2005**, and reply comments on or before **December 5, 2005**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using

¹ *Petition of the American Cellular Corporation for Agreement in Redefining the Service Area of the Commonwealth of Kentucky*, CC Docket 96-45, filed October 20, 2005 (Petition). Section 54.207(c) of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural incumbent local exchange company's service area will be its study area "unless and until the Commission and 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). 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).

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 Chief, Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

(1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.⁶ 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 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, S.W., Washington, D.C. 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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

⁵ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

⁶ Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.