



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1508
Released: July 25, 2006

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE PETITION OF GORHAM TELEPHONE COMPANY, INC., AND RURAL TELEPHONE SERVICE COMPANY, INC., TO WAIVE THE STUDY AREA BOUNDARY FREEZE, AS CODIFIED, IN PART 36, AND GORHAM TELEPHONE COMPANY'S REQUEST FOR WAIVER OF SECTION 69.3(e)(11) OF THE COMMISSION'S RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: August 8, 2006
Reply Comments Due: August 15, 2006

On June 15, 2006, Gorham Telephone Company, Inc., (Gorham) and Rural Telephone Service Company, Inc., (RuralTel) filed a joint petition for waiver of the study area boundary freeze as codified in the Appendix-Glossary of Part 36 of the Commission's rules.¹ Gorham also seeks a related waiver of section 69.3(e)(11) of the Commission's rules.²

The two exchanges subject to this transaction, Luray and Paradise (approximately 272 access lines in total), are currently part of the United Telephone Company of Kansas' (United) study area. RuralTel and United have a separate pending proceeding before the Commission requesting a study area waiver to allow RuralTel to add the Luray and Paradise exchanges and ten other exchanges to its Kansas

¹See Gorham Telephone Company, Inc., and Rural Telephone Service Company, Inc., Joint Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules, CC Docket No. 96-45 (filed June 15, 2006) (Gorham-RuralTel Petition). See also 47 C.F.R. Part 36 App. (defining "study area").

On May 31, 2006, RuralTel and Gorham filed a separate application, pursuant to section 63.04 of the Commission's rules, requesting authority to transfer control of certain RuralTel exchanges in the state of Kansas to Gorham. See Gorham Telephone Company, Inc., and Rural Telephone Service Company, Inc., Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, for Transfer of Control. See also 47 U.S.C. § 214; 47 C.F.R. § 63.04. The Wireline Competition Bureau (Bureau) released a public notice seeking comment on the transfer of control application. See *Domestic Section 214 Application Filed for the Transfer of Assets of Rural Telephone Service Company, Inc. to Gorham Telephone Company, Inc.*, WC Docket No. 06-117, Public Notice, DA 06-1381 (rel. June 30, 2006).

²47 C.F.R. § 69.3(e)(11).

study area and to allow United to remove all 12 exchanges from its two Kansas study areas.³ The instant study area waiver would permit RuralTel to remove the Luray and Paradise exchanges from its Kansas study area and would permit Gorham to add the two exchanges to its Kansas study area after, and if, the RuralTel and United study area waiver is granted. Gorham also requests a waiver of section 69.3(e)(11) of the Commission's rules in order to continue to use the National Exchange Carrier Association as its tariff pool administrator upon completion of the transfer of the exchanges at issue.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties are invited to comment on the Gorham-RuralTel Petition **on or before August 8, 2006** and **reply comments on or before August 15, 2006**. All pleadings are to reference CC Docket No. 96-45. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

³See Rural Telephone Service Company, Inc., Nex-Tech, Inc., United Telephone Company of Kansas, and United Telephone of Eastern Kansas, Joint Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules, Petition for Waiver of Section 69.3(e)(11) of the Commission's Rules, CC Docket No. 96-45 (filed April 3, 2006) (RuralTel-United Petition). On April 27, 2006, the Bureau released a public notice seeking comment on the RuralTel-United Petition. *See Domestic Section 214 Application Filed for the Acquisition of Assets of United Telephone Company of Kansas and United Telephone of Eastern Kansas by Rural Telephone Service Company, Inc.*, WC Docket No. 06-80, *Rural Telephone Service Company, Inc., Nex-Tech, Inc., United Telephone Company of Kansas, and United Telephone of Eastern Kansas Seek Waiver of the Study Area Boundary Freeze as Codified in Part 36, and Rural Telephone Service Company, Inc. Seeks Waiver of Part 69.3(e)(11) and of the Commission's Rules*, CC Docket No. 96-45, Public Notice, 21 FCC Rcd 4395 (2006).

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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

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).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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, D.C. 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-A633, 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) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-540, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@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, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 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.⁴ 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.⁵ 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.⁶

For further information, please contact Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or TTY (202) 418-0484.

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⁴47 C.F.R. §§ 1.1200 *et seq.*

⁵*See* 47 C.F.R. § 1.1206(b)(2).

⁶47 C.F.R. § 1.1206(b).