



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2372

Released Date: November 27, 2006

THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE PETITION OF SRT COMMUNICATIONS, INC. AND NORTH DAKOTA TELEPHONE COMPANY TO WAIVE THE STUDY AREA BOUNDARY FREEZE, AS CODIFIED IN PART 36 OF THE COMMISSION'S RULES AND THE SUPPLEMENTAL PETITION OF SRT COMMUNICATIONS, INC. FOR WAIVER OF SECTIONS 69.605(c) AND 69.3(e)(11) OF THE COMMISSION RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comment Date: December 11, 2006

Reply Comment Date: December 18, 2006

On October 4, 2006, SRT Communications, Inc. (SRT) and North Dakota Telephone Company (NDTC) 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 The requested waiver would permit NDTC to remove from its existing North Dakota study area the Velva exchange and would permit SRT to add that exchange to its existing North Dakota study area. On October 13, 2006, SRT supplemented the Petition to request a waiver of the definition of an "average schedule company" in section 69.605(c) of the Commission's rules to allow SRT to retain its status as an average schedule company for interstate access settlement purposes.² In addition, SRT requests a waiver of section 69.3(e)(11) of the Commission's

¹ See SRT Communications, Inc., and North Dakota Telephone Company, Petition of Local Exchange Carriers for Waiver of "Study Area" Boundaries as defined in Appendix-Glossary of Part 36 in connection with a Proposed Acquisition by SRT Communications, Inc. of all assets of North Dakota Telephone Company for the Velva Exchange in North Dakota (filed Oct. 4, 2006) (Petition); 47 C.F.R. Part 36 App. (defining "study area"). On October 2, 2006, SRT and NDTC filed a separate application, pursuant to section 63.04 of the Commission's rules, requesting authority to transfer control of the Velva exchange in the state of North Dakota from NDTC to SRT. See 47 U.S.C. § 214; 47 C.F.R. § 63.04. The Wireline Competition Bureau (Bureau) released a public notice approving the transfer of control application. See *Wireline Competition Bureau Grants Consent for the Transfer of Control of the North Dakota Telephone Company to SRT Communications, Inc.*, WC Docket No. 06-185, Public Notice, DA 06-2318 (rel. November 16, 2006).

² See SRT Communications, Inc., and North Dakota Telephone Company, Supplement to Petition for Waiver to Change Study Area Boundaries (filed Oct. 13, 2006); 47 C.F.R. §§ 69.605(c) and 69.3(e)(11).

rules to enable the acquired Velva access lines to participate in the National Exchange Carrier Association common line tariff.³

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 petition **on or before December 11, 2006** and **reply comments on or before December 18, 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.

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).

³ *Id.*

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

⁴47 C.F.R. §§ 1.1200 *et seq.*

⁵See 47 C.F.R. § 1.1206(b)(2).

⁶47 C.F.R. § 1.1206(b).

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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