



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 06-863**  
**Released: April 14, 2006**

## **COMMENTS SOUGHT ON HAWAIIAN TELECOM INC. PETITION FOR WAIVER OF SECTIONS 61.42(g), 61.38, and 61.49 OF THE COMMISSION'S RULES**

**WCB/Pricing File No. 06-19**

**COMMENTS DUE: April 24, 2006**  
**REPLY COMMENTS DUE: May 1, 2006**

By this Public Notice, we seek comment on a petition filed April 11, 2006 by Hawaiian Telecom Inc. (HTI) requesting a limited waiver of sections 61.42(g), 61.38, and 61.49 of the Commission's rules so that it may exclude its advanced services from any price cap basket in the upcoming 2006 annual access tariff filing.<sup>1</sup> In support of its petition, HTI notes that it is the successor entity to Verizon Hawaii which has received similar waivers of these rules each year since 2002.<sup>2</sup> Also, HTI believes it is in a unique situation and extension of the Commission's previous waivers would serve the public interest.<sup>3</sup>

Interested parties may file comments on or before **April 24, 2006**, and reply comments on or before **May 1, 2006**. Comments and replies should reference **WCB/Pricing File No. 06-19**. Parties filing pleadings are encouraged to use ETFS in order to facilitate access to these documents. Parties filing paper copies must file an original and four (4) copies of each filing. Parties are requested also to send a copy of their filings to Lynne Hewitt Engledow via e-mail ([lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov)).

Paper 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 and the Commission advises that electronic media NOT be sent through the U.S. Postal Service). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-

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<sup>1</sup> *Hawaiian Telecom Inc. Petition for Waiver of the Price Cap Rules*, WCB/Pricing File No. 06-19, at 1-2 (filed April 11, 2006) (HTI Waiver Petition); *see also* 47 C.F.R. §§ 61.42(g), 61.38, and 61.49. A list of HTI's advanced services is in Exhibit A of the HTI Waiver Petition. A copy of the petition is available on the Commission's Electronic Tariff Filing System (ETFS).

<sup>2</sup> HTI Waiver Petition at 1-3. *See e.g., Verizon Petition for Interim Waiver of Sections 61.42(g), 61.38 and 61.49 of the Commission's Rules*, WCB/Pricing No. 02-16, Order, 17 FCC Rcd 11010 (June 10, 2002).

<sup>3</sup> *Id.* at 4-6.

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 a.m. to 7 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, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). Documents in the proceeding are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. S.W., Room CY-A257, Washington, D.C. 20554, telephone (202) 418-0270, TTY (188) 835-5322. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at telephone (202) 418-0530 or TTY (202) 418-0432.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>4</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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.<sup>5</sup> Other requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b) of the Commission's rules.<sup>6</sup>

For further information, contact Lynne Hewitt Engledow of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-2350.

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<sup>4</sup> 47 C.F.R. §§ 1.1200, 1.1206.

<sup>5</sup> 47 C.F.R. § 1.1206(b).

<sup>6</sup> *Id.*