



PUBLIC NOTICE

Federal Communications Commission
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DA 07-4173

Released: October 5, 2007

**COMMENT SOUGHT ON THE PETITION OF BEAVER CREEK COOPERATIVE
TELEPHONE COMPANY AND QWEST CORPORATION TO WAIVE 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: November 5, 2007

Reply Comments Due: November 20, 2007

On June 29, 2007, Beaver Creek Cooperative Telephone Company (Beaver Creek) and Qwest Corporation (Qwest) (collectively, the Petitioners) 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 Petitioners request a waiver to add Beaver Creek's existing telecommunications operations outside of Oregon City, Oregon, known as the Fairway Downs Subdivision and surrounding environs, to Beaver Creek's existing Oregon study area and to remove such area from Qwest's existing Oregon study area.² No facilities will be transferred from Qwest to Beaver Creek.³

The area subject to this proceeding was approved for transfer from Qwest to Beaver Creek by the Oregon Public Utility Commission (Oregon PUC) in 1997 based on Qwest's representation that it had no customers in the area to be transferred to Beaver Creek.⁴ Subsequently it was discovered that Qwest had a number of customers within the transferred area.⁵ In 2004, the Oregon PUC concluded that Beaver

¹ Beaver Creek Cooperative Telephone Company and Qwest Corporation 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 29, 2007) (Petition); 47 C.F.R. Part 36 App. (defining "study area").

² See Petition at 1-2.

³ *Id.* at 5.

⁴ See Petition at 4-5; Petition at Exhibit 2 (attaching *Application of U S West Communications, Inc., for an Order Transferring Right to Exclusively Served Territory to Beaver Creek Cooperative Telephone Company*, Public Utility Commission of Oregon, Docket No. UA 55, Order No. 97-297 (Aug. 6, 1997)).

⁵ See Petition at 5.

Creek had made substantial investment in the area and that the public interest would be best served by Beaver Creek assuming carrier of last resort obligations.⁶

Interested parties may file **comments on or before November 5, 2007** and **reply comments on or before November 20, 2007**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. 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).

⁶ *Id.*; see also *U S West Telecommunications Inc. (Qwest Corporation) Application for an Order Transferring Right to Exclusively Served Territory, Fairway Downs, Oregon City, to Beaver Creek Telephone Company*, Public Utility Commission of Oregon, Docket No. UA 55, Order No. 04-225 (Apr. 27, 2004).

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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.bcpiweb.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) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, 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.bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ 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.⁹ 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.¹⁰

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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⁸47 C.F.R. §§ 1.1200 *et seq.*

⁹*See* 47 C.F.R. § 1.1206(b)(2).

¹⁰47 C.F.R. § 1.1206(b).