



PUBLIC NOTICE

Federal Communications Commission
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DA 08-1173

Released: May 16, 2008

**COMMENT SOUGHT ON THE REQUEST OF ETS TELEPHONE COMPANY, INC.
REGARDING RETROACTIVE APPLICATION OF THE COMMISSION'S 2004 SKYLINE
ORDER TO ETS' EXISTING TEXAS STUDY AREA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: June 16, 2008

Reply Comments Due: July 1, 2008

On March 12, 2008, ETS Telephone Company, Inc. (ETS), formerly known as Kingsgate Telephone, Inc., filed a request regarding potential retroactive application of the Commission's 2004 *Skyline Order* to ETS' Texas study area.¹ ETS' Texas study area was created in 1996 when Kingsgate began serving a previously unserved area.² ETS requests confirmation that the Commission's 2004 *Skyline Order* cannot have retroactive effect on its study area.³

Interested parties may file **comments on or before June 16, 2008** and **reply comments on or before July 1, 2008**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the

¹ Kingsgate Telephone, Inc., Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules (filed Mar. 12, 2008) (ETS Request); *M&L Enterprises, Inc., d/b/a Skyline Telephone Company, Petition for Waiver of Sections 36.611, 36.612, and 69.2 (hh) of the Commission's Rules*, CC Docket No. 96-45, Order, 19 FCC Rcd 6761, 6766, at paras. 11-13 (2004) (*Skyline Order*).

² See *Request for Clarification Filed by the National Exchange Carrier Association, Inc., and Petitions for Waiver Filed by Alaska Telephone Company, Ducor Telephone Company, and Kingsgate Telephone, Inc., Concerning the Definition of "Study Area" in the Part 36 Appendix-Glossary of the Commission's Rules*, AAD 95-173, AAD 96-29, AAD 96-51, Memorandum Opinion and Order, 11 FCC Rcd 8156 (1996).

³ In the *Skyline Order*, the Commission stated that a study area waiver request must be filed with the Commission when a company is seeking to create a new study area from within one or more existing study areas. See *Skyline Order*, 19 FCC Rcd at 6766, para 13.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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).

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-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.⁵ 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.⁶ 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.⁷

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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⁵ 47 C.F.R. §§ 1.1200 *et seq.*

⁶ *See* 47 C.F.R. § 1.1206(b)(2).

⁷ 47 C.F.R. § 1.1206(b).