



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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## PLEADING CYCLE ESTABLISHED FOR TRI-COUNTY TELEPHONE ASSOCIATION, INC. PETITION FOR WAIVER OF ACCOUNTING RULES

WC Docket No. 08-239

**COMMENTS: January 5, 2009**

**REPLY COMMENTS: January 21, 2009**

On October 22, 2008, Tri-County Telephone Association, Inc. (TCT) filed a petition for waiver of “the requirement adopted in the 1980s’ *Cost Separation* proceeding that ‘investments once allocated to nonregulated use may not be reallocated to regulated use,’ consistent with the waiver process contemplated at that time.”<sup>1</sup> TCT states that it seeks this waiver so that it can “offer the transmission component of broadband Internet access on a detariffed, common carrier basis, as contemplated in the Commission’s *Wireline Broadband Order*.”<sup>2</sup> TCT also seeks *nunc pro tunc* waiver of the *Computer II Final Decision* requirement that carriers “that own common carrier transmission facilities and provide enhanced services, but are not subject to the separate subsidiary requirement, must acquire transmission capacity pursuant to the same prices, terms and conditions reflected in their tariffs when their own facilities are utilized.”<sup>3</sup> TCT states that it seeks waiver of this requirement from 2001 until the date on which the instant waiver is granted.<sup>4</sup>

Interested parties may file comments on the TCT Petition on or before **January 5, 2009** and reply comments on or before **January 21, 2009**. Filings in this proceeding should be captioned “In the Matter of Petition of TCT for Waiver of Accounting Rules” and filed in WC Docket No. 08-239.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Amy Goodman, Federal Communications Commission,

<sup>1</sup> Petition of Tri-County Telephone Association, Inc. for Waiver of Accounting Rules, Feeable Waiver Filing (Fee Code BEA) (filed October 22, 2008) (Petition) at 1 (citing *Separation of Costs of Regulated Telephone Service from Costs of Nonregulated Activities, et al.*, CC Docket No. 86-11, Order on Further Reconsideration, 3 FCC Rcd 6701, 6705, para. 29 (1988) (*Cost Separation*), see also Order on Reconsideration, 2 FCC Rcd 6283 (1987); Report and Order, 2 FCC Rcd 1298 (1987)). TCT is a rural, rate-of-return regulated telephone company operated from Basin, Wyoming. *Id.* at 3.

<sup>2</sup> *Id.* at 1 (citing *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities et al.*, CC Docket No. 02-33 *et al.*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005) (*Wireline Broadband Order*)).

<sup>3</sup> *Id.* (citing *Amendment of Section 64.702 of the Commission’s Rules and Regulations (Second Computer Inquiry)*, Docket No. 20828, Final Decision, 77 FCC 2d 384, 475, para. 231 (1980) (*Computer II Final Decision*)).

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

Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at amy.goodman@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **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](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. 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.  
**Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

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, Marlene H. Dortch, 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, NE, Suite 110, Washington, DC 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, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the TCT Petition. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</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>6</sup> 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.<sup>7</sup>

For further information regarding this proceeding, Amy Goodman, Pricing Policy Division, Wireline Competition Bureau, 202-418-1549, or via e-mail at amy.goodman@fcc.gov.

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<sup>5</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>6</sup> See 47 C.F.R. § 1.1206(b).

<sup>7</sup> 47 C.F.R. § 1.1206(b).