



PUBLIC NOTICE

Federal Communications Commission
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DA 09-1266
Release Date: June 5, 2009

**COMMENT SOUGHT ON JOINT PETITION OF ACCIPITER COMMUNICATIONS, INC.
AND QWEST CORPORATION TO WAIVE THE STUDY AREA BOUNDARY FREEZE AS
CODIFIED IN PART 36 OF THE COMMISSION'S RULES**

CC Docket No. 96-45

Comment Date: July 6, 2009

Reply Comment Date: July 20, 2009

On April 30, 2009, Accipiter Communication, Inc. d/b/a Zona Communications (Accipiter) and Qwest Corporation (Qwest) 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 Accipiter to extend its existing Arizona study area to include an area referred to as the Lake Pleasant 5000 property and three and one-half sections north of that property in northern Maricopa County, Arizona, and to remove that same area from Qwest's existing Arizona study area.² The requested waiver would also permit an area comprising two and three-quarters sections, and referred to as the "Qwest extension area," to be removed from Accipiter's existing study area and added to Qwest's Arizona study area.³

Interested parties may file **comments on or before July 6, 2009**, and **reply comments on or before July 20, 2009**. All pleadings are to reference **CC Docket No. 96-45**. 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 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

¹ Accipiter Communications, Inc., and Qwest Corporation, Joint Petition for Waiver of the Definition of "Study Area" of Appendix-Glossary of Part 36 of the Commission's Rules, CC Docket No. 96-45 (filed Apr. 30, 2009) (Petition); 47 C.F.R. Part 36 App. (defining "study area").

² See Petition at 1.

³ *Id.* at 1-2.

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

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.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; and
- (3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: Antoinette.Stevens@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 CY-B402, 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

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

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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⁶ See 47 C.F.R. § 1.1206(b)(2).

⁷ 47 C.F.R. § 1.1206(b).