



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2615

Release Date: December 22, 2009

COMMENT SOUGHT ON THE JOINT PETITION OF IOWA TELECOMMUNICATIONS SERVICES, INC. AND WELLMAN COOPERATIVE TELEPHONE ASSOCIATION TO WAIVE THE STUDY AREA BOUNDARY FREEZE AS CODIFIED IN PART 36 OF THE COMMISSION'S RULES AND SECTIONS 54.305 AND 69.605(c) OF THE COMMISSION'S RULES

CC Docket No. 96-45

Comment Date: January 21, 2010

Reply Comment Date: February 5, 2010

On October 16, 2009, Iowa Telecommunications Services, Inc. (Iowa Telecom) and Wellman Cooperative Telephone Association (Wellman) filed a joint petition for waiver of the study area boundary freeze.¹ Iowa Telecom and Wellman seek a waiver of the study area boundary freeze to transfer a small area from Iowa Telecom's existing Iowa study area to Wellman's existing Iowa study area.² Wellman also requests a waiver of section 54.305 of the Commission's rules so that it may receive universal service support for the acquired line in the same manner as its existing lines, and Wellman seeks a waiver of the average schedule company definition so that it may continue to operate as an average schedule company after the transfer.³

Interested parties may file **comments on or before January 21, 2010**, and **reply comments on or before February 5, 2010**. 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/>.

¹ Iowa Telecommunications Services, Inc. and Wellman Cooperative Telephone Association., Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix-Glossary of the Commission's Rules; Petition for Waiver of Section 69.605(c) of the Commission's Rules Regarding the Definition of "Average Schedule Company," and Section 54.305 of the Commission's Rules (filed Oct. 16, 2009) (Petition); 47 C.F.R. Part 36 App. (defining "study area"); 47 C.F.R. §§ 69.605(c) and 54.305.

² The subject area is one-quarter square mile and will result in the transfer of one access line from Iowa Telecom's Williamsburg exchange to Wellman's exchange. See Petition at 4.

³ *Id.* at 2; 47 C.F.R. §§ 54.305 and 69.605(c).

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

- 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** Through December 24, 2009, 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. This filing location will be permanently closed after December 24, 2009. The filing hours at both locations are 8:00 a.m. to 7:00 p.m. 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; and
- (4) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@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.bcpweb.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

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

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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⁶ See 47 C.F.R. § 1.1206(b)(2).

⁷ 47 C.F.R. § 1.1206(b).