



PUBLIC NOTICE

Federal Communications Commission
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DA 09-581

Released: April 24, 2009

PLEADING CYCLE ESTABLISHED FOR IOWA TELECOMMUNICATIONS SERVICES, INC., PETITION FOR WAIVER OF SECTION 61.41 OF THE COMMISSION'S RULES

WC Docket No. 09-25

COMMENTS: May 15, 2009

REPLY COMMENTS: May 26, 2009

On February 17, 2009, Iowa Telecommunications Services, Inc. (Iowa Telecom) filed a petition requesting that the Commission waive relevant portions of the Commission's "all-or-nothing" rule codified in section 61.41 of its rules.¹ Iowa Telecom amended its waiver petition on February 24, 2009.² Iowa Telecom is an incumbent local exchange carrier subject to price cap regulation.³ Iowa Telecom acquired Lakedale Telephone Inc. (Lakedale), a rate-of-return regulated carrier, on July 18, 2008.⁴ Iowa Telecom has also filed applications for the acquisition of substantially all of the assets of Sherburne County Rural Telephone Corp. (SCRTC) (also a rate-of-return regulated carrier) within the next several months, and those assets will be transferred to Lakedale.⁵ Iowa Telecom requests a waiver of the Commission's rules to permit it to continue to operate the Lakedale and SCRTC properties under rate-of-return regulation.⁶

Interested parties may file comments on Iowa Telecom's waiver request on or before **May 15, 2009** and reply comments on or before **May 26, 2009**. Filings in this proceeding should be captioned "Iowa Telecommunications Services, Inc. Petition for Waiver of Section 61.41 of the Commission's Rules" and filed in WC Docket No. 09-25.

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 Douglas Slotten, Federal Communications

¹ 47 C.F.R. § 61.41 (which requires a rate-of-return carrier that merges with, or becomes affiliated with, a price cap carrier to convert to price cap regulation within one year of consummation of the transaction).

² Iowa Telecommunications Services, Inc. Petition for Waiver of Section 61.41 of the Commission's Rules, WC Docket No. 09-25 (filed Feb. 24, 2009) (Amended Petition).

³ *Id.* at 1.

⁴ *Id.*

⁵ *Id.* at 2. See also *Domestic Section 214 Application Filed for the Transfer of Control of Sherburne Tele Systems, Inc. to Iowa telecommunications Services, Inc.*, WC Docket No. 09-20, Public Notice, DA 09-579 (rel. Mar. 12, 2009).

⁶ Amended Petition at 4.

Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A233, Washington, DC 20554 or via e-mail at douglas.slotten@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 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 12th 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 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.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ 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.⁸ 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.⁹

For further information regarding this proceeding, contact Douglas Slotten, Pricing Policy Division, Wireline Competition Bureau, 202-418-1572, or via e-mail at douglas.slotten@fcc.gov.

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⁷ See 47 C.F.R. §§ 1.1200, 1.1206.

⁸ See 47 C.F.R. § 1.1206(b).

⁹ 47 C.F.R. § 1.1206(b).