



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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**DA 09-910**  
**Released: April 24, 2009**

## **COMMENTS SOUGHT ON HAWAIIAN TELCOM, INC. PETITION FOR WAIVER OF SECTION 61.42(g) OF THE COMMISSION'S RULES**

**WCB/Pricing File No. 09-04**

**COMMENTS DUE: May 14, 2009**  
**REPLY COMMENTS DUE: May 26, 2009**

By this Public Notice, we seek comment on a petition filed April 17, 2009 by Hawaiian Telcom, Inc. (HTI) requesting a limited waiver of section 61.42(g) of the Commission's rules so that it may exclude its advanced services from any price cap basket in the upcoming 2009 annual access tariff filing.<sup>1</sup> In support of its petition, HTI notes that it, and its predecessor entity Verizon Hawaii, Inc. (Verizon), have received similar waivers of these rules for these services each year since 2002.<sup>2</sup> Further, HTI asserts that Verizon has "consistently . . . excluded [the services] from the company's price cap calculations since they were reintegrated into Verizon's ILEC offerings in 2002."<sup>3</sup> Also, HTI contends that "including advanced services in price caps could upset settled customer expectations with respect to the pricing of other services" by creating "'headroom' that HTI could use to raise rates for other services."<sup>4</sup>

Interested parties may file comments on or before **May 14, 2009**, and reply comments on or before **May 26, 2009**. Comments and replies should reference **WCB/Pricing File No. 09-04**. Parties filing pleadings are encouraged to use the Electronic Tariff Filing System (ETFS) in order to facilitate access to these documents. Parties filing paper copies must file an original and four (4) copies of each filing. Parties are requested also to send a copy of their filings to Lynne Hewitt Engledow via e-mail ([lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov)).

- **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,

<sup>1</sup> Hawaiian Telcom, Inc. Petition for a Waiver of Section 61.42(g) of the Commission's Price Cap Rules for Advanced Services Formerly Offered by Verizon Hawaii, Inc., WCB/Pricing File No. 09-04 (filed April 17, 2009) (HTI Waiver Petition); *see also* 47 C.F.R. §§ 61.42(g). A list of HTI's advanced services is in Exhibit A of the HTI Waiver Petition. A copy of the petition is available on the Commission's Electronic Tariff Filing System (ETFS).

<sup>2</sup> HTI Waiver Petition at 1. *See, e.g., Verizon Petition for Interim Waiver of Sections 61.42(g), 61.38 and 61.49 of the Commission's Rules*, WCB/Pricing File No. 02-16, Order, 17 FCC Rcd 11010 (Wireline Comp. Bur. 2002).

<sup>3</sup> HTI Waiver Petition at 2.

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

filers must submit two additional copies for each additional docket or rulemaking number.  
**Parties are strongly encouraged to file comments electronically using ETFS.**

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@bcpweb.com](mailto:fcc@bcpweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the Hawaiian Telcom Petition for Price Caps Waiver. 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, contact Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520, or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@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).