



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 10-299

Released: February 25, 2010

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON FAIRPOINT PETITION
FOR CONVERSION TO PRICE CAP REGULATION
AND FOR OTHER LIMITED WAIVER RELIEF**

WC Docket No. 10-47

COMMENTS DUE: March 12, 2010

REPLY COMMENTS DUE: March 22, 2010

On February 18, 2010, FairPoint Communications, Inc. (FairPoint) petitioned the Commission to allow six of its subsidiaries to convert from rate-of-return regulation to price cap regulation.¹ Specifically, China Telephone Company, FairPoint Vermont, Inc., Maine Telephone Company, Northland Telephone Company of Maine, Inc., Sidney Telephone Company, and Standish Telephone Company (collectively, the FairPoint Petitioning LECs), “request that the Commission grant limited waivers of its rules as necessary to permit: (i) the FairPoint Petitioning LECs to convert to price cap regulation as of July 1, 2010, while retaining their existing interstate common line support (“ICLS”); and (ii) the other local exchange carrier subsidiaries of FairPoint currently subject to rate-of-return regulation in the interstate jurisdiction (“FairPoint ROR LECs”) to remain subject to such regulation.”² FairPoint maintains that such a ruling “would be consistent with the waivers granted to similarly situated carriers to transition from rate-of-return to price cap regulations.”³ FairPoint also asserts that if its petition is granted, “FairPoint subsidiaries no longer would be operating pursuant to price cap and rate-of-return regulation in the same state.”⁴

Interested parties may file comments on the FairPoint Petition on or before **March 12, 2010** and reply comments on or before **March 22, 2010**. Filings in this proceeding should be captioned “FairPoint Petition for Price Cap Conversion” and filed in WC Docket No. 10-47.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the

¹ See Petition of China Telephone Company, FairPoint Vermont, Inc., Maine Telephone Company, Northland Telephone Company of Maine, Inc., Sidney Telephone Company, and Standish Telephone Company, Each a Debtor-in-Possession for Conversion to Price Cap Regulation and for Limited Waiver Relief, WC Docket No. 10-47 (filed Feb. 18, 2010) (FairPoint Petition).

² *Id.* at i.

³ *Id.*

⁴ *Id.*

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 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.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 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, 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 Public Notice establishes certain procedural requirements relating to consideration of the petition. 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 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.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, contact Douglas Slotten of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at douglas.slotten@fcc.gov.

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⁵ See 47 C.F.R. §§ 1.1200, 1.1206.

⁶ See 47 C.F.R. § 1.1206(b).

⁷ See *id.*