



PUBLIC NOTICE

Federal Communications Commission
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DA 10-434

Release Date: March 15, 2010

COMMENT SOUGHT ON NTCH, INC.'S PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN ALABAMA AND TENNESSEE AND PETITION FOR FORBEARANCE FROM ELIGIBLE TELECOMMUNICATIONS CARRIER SERVICE AREA REQUIREMENT

WC Docket No. 09-197

Comment Date: April 14, 2010

Reply Comment Date: April 29, 2010

The Wireline Competition Bureau seeks comment on a two petitions filed on March 5, 2010, by NTCH, Inc. (NTCH), a provider of commercial mobile radio services.¹ NTCH seeks designation as an eligible telecommunications carrier (ETC) for certain areas in Alabama and Tennessee.² NTCH seeks ETC designation for the limited purpose of participating in the universal service low-income Lifeline program and does not request ETC designation to receive universal service high-cost support.³ In a separate petition, NTCH seeks forbearance from the definition of service area contained in section 214(e)(5) of the Communications Act of 1934, as amended, and section 54.207(b) of the Commission's rules so that it can be designated an ETC for the limited purposes of participating in the Lifeline program.⁴

Interested parties may file **comments on or before April 14, 2010**, and **reply comments on or before April 29, 2010**. All pleadings are to reference **WC Docket No. 09-197**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- 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.

¹ NTCH, Inc. Petition for Limited Designation as an Eligible Telecommunications Carrier in the States of Alabama and Tennessee, WC Docket No. 09-197 (filed Mar. 5, 2010) (NTCH ETC Petition); NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b), WC Docket No. 09-197 (filed Mar. 5, 2010) (NTCH Forbearance Petition).

² NTCH ETC Petition at i.

³ See *id.*

⁴ See NTCH Forbearance Petition at 6; 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

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.

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. The filing hours 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 must 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) Nicholas A. Degani, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B442, Washington, D.C. 20554; e-mail: nicholas.degani@fcc.gov; and
- (3) 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.⁶ 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 arguments presented generally is required.⁷ 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.⁸

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

⁷ *See* 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).

For further information, please contact Nicholas A. Degani, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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