



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 11-1349
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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
NE COLORADO CELLULAR, INC., D/B/A VIAERO WIRELESS PETITION FOR
AGREEMENT IN REDEFINING THE SERVICE AREAS OF RURAL TELEPHONE
COMPANIES IN KANSAS**

WC Docket No. 09-197

Comment Date: September 6, 2011
Reply Comment Date: September 21, 2011

The Wireline Competition Bureau seeks comment on a petition filed on July 22, 2011 by NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero Wireless), pursuant to section 54.207 of the Commission's rules.¹ In its petition, Viaero Wireless requests the Commission's agreement with the Kansas State Corporation Commission to redefine the service areas of several rural telephone companies in Kansas: Golden Belt Telephone Association; Wheat State Telephone Company, Inc.; Tri-County Telephone Association, Inc; S&T Telephone Company; and Twin Valley Telephone, Inc.

Section 54.207 of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended (the Act), provides that a rural telephone company's service area will be its study area "unless and until the Commission and the states, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c) of the Act, establish a different definition of service area for such company."²

This public notice is required by section 54.207(c)(2) of the Commission's rules.³ If the Commission initiates a proceeding to consider the Petition, it must do so within 90 days of the release date of this public notice, pursuant to the Commission's rules.⁴ If the Commission does not act on the

¹ NE Colorado Cellular, Inc., d/b/a Viaero Wireless, Petition for Commission Agreement in Redefining Certain Service Areas of Rural Incumbent Telephone Companies in the State of Kansas, WC Docket No. 09-197 (filed July 22, 2011); 47 C.F.R. § 54.207. Pursuant to section 54.207(e), the Commission delegated authority to the Wireline Competition Bureau to consider redefinitions of rural telephone companies' service areas. 47 C.F.R. § 54.207(c). Viaero Wireless previously filed a request seeking the Commission's agreement with the same service area redefinition order of the Kansas State Corporation Commission, but withdrew that request on the same date it filed this new petition. See NE Colorado Cellular, Inc., d/b/a Viaero Wireless, Notice of Withdrawal (filed July 22, 2011).

² 47 C.F.R § 54.207(b); 47 U.S.C. (c). § 214(e)(5).

³ 47 C.F.R. § 54.207(c)(2)

Petition by **November 2, 2011**, the definition proposed by the Georgia Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁵

Interested parties may file **comments on or before September 6, 2011**, and **reply comments on or before September 21, 2011**. All pleadings are to reference **WC Docket Nos. 09-197**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁶

- **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.

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) Joseph Cavender, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A236, Washington, D.C. 20554; e-mail: Joseph.Cavender@fcc.gov; and

⁴ 47 C.F.R. § 54.207(c)(3)

⁵ See 47 C.F.R. § 54.207(c)(ii).

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(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.⁷ 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.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, please contact Joseph Cavender, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁷ 47 C.F.R. §§ 1.1200 *et seq.*

⁸ *See* 47 C.F.R. § 1.1206(b)(2).

⁹ 47 C.F.R. § 1.1206(b).