



# PUBLIC NOTICE

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## QUIET PERIOD FOR THE CRICKET COMMUNICATIONS, INC. AND NTCH, INC. FORBEARANCE PROCEEDING

WC Docket No. 09-197

### Quiet Period Begins: September 5, 2011

On June 26, 2009, the Commission adopted the *Forbearance Procedures Order*,<sup>1</sup> which put in place procedural rules governing forbearance petitions under section 10 of the Communications Act of 1934, as amended (the Act).<sup>2</sup> Specifically, section 1.58 of the Commission's rules provides for a two-week quiet period before the statutory deadline for Commission action in forbearance proceedings.<sup>3</sup> As indicated in the *Forbearance Procedures Order*, this public notice announces the beginning of the two-week quiet period.<sup>4</sup>

Cricket Communications (Cricket) and NTCH, Inc. (NTCH) each filed a petition requesting that the Commission forbear from applying the requirements of section 214(e)(5) of the Act, and section 54.207 of the Commission's rules, to the extent that those provisions require that the service area of a competitive eligible telecommunications carrier (ETC) conform to the service area of any rural telephone company serving the same area, for the limited purpose of becoming designated as Lifeline-only ETCs.<sup>5</sup> The statutory date on which Cricket's forbearance petition shall be deemed granted, in the absence of a Commission denial of the petition, is September 19, 2011.<sup>6</sup> Because the Cricket Forbearance Petition and the NTCH Forbearance

<sup>1</sup> *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended*, WC Docket No. 07-267, Report and Order, 24 FCC Rcd 9543 (2009) (*Forbearance Procedures Order*), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-56A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-56A1.doc). All of the forbearance procedural rules are now effective. See *Notice of Effective Date of New Forbearance Procedural Rules*, Public Notice, 24 FCC Rcd 10937 (Wireline Comp. Bur. 2009); *Notice of Effective Date of "Complete As Filed" Forbearance Procedural Rule*, Public Notice, DA 10-663 (Wireline Comp. Bur. rel. Apr. 16, 2010).

<sup>2</sup> 47 U.S.C. § 160.

<sup>3</sup> 47 C.F.R. § 1.58 (stating that "[t]he prohibition in § 1.1203(a) on contacts with decision makers concerning matters listed in the Sunshine Agenda shall also apply to a petition for forbearance for a period of 14 days prior to the statutory deadline under 47 U.S.C. 160(c) or as announced by the Commission"); 47 C.F.R. § 1.1203.

<sup>4</sup> *Forbearance Procedures Order*, 24 FCC Rcd at 9560-61, para. 33.

<sup>5</sup> See 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207; Cricket Communications, Inc. Petition for Forbearance, WC Docket No. 09-197 (filed June 21, 2010) (Cricket Forbearance Petition); NTCH, Inc. Petition for Forbearance, WC Docket No. 09-197 (filed June 20, 2011) (NTCH Forbearance Petition); 47 U.S.C. § 160.

<sup>6</sup> Pursuant to section 10(c), the Commission's Wireline Competition Bureau extended the initial one-year statutory period by an additional 90 days, from June 21, 2011 to September 19, 2011. See *Telecommunications Carriers*

Petition request similar relief, the Commission intends to address the two petitions simultaneously. We therefore apply the quiet period required by section 1.58 of the Commission's rules to both the Cricket Forbearance Petition and the NTCH Forbearance Petition. Based on the statutory deadline for Cricket, the quiet period for this proceeding **begins on September 5, 2011.**<sup>7</sup>

Section 1.58 extends the prohibition in section 1.1203(a) (governing contacts with decision makers concerning matters listed in the Sunshine Agenda) to petitions for forbearance "for a period of 14 days prior to the statutory deadline."<sup>8</sup> Accordingly, all presentations to decision makers concerning the Cricket forbearance proceeding, whether *ex parte* or not, are prohibited during the two-week quiet period, beginning September 5, 2011.<sup>9</sup>

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

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*Eligible to Receive Universal Service Support; Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, 26 FCC Rcd 6822 (Wireline Comp. Bur. 2011).

<sup>7</sup> "Absent unusual circumstances, this quiet period will end with the release of a Commission order addressing the forbearance petition, or if approved by the Commission, withdrawal of the petition by the petitioner." *Forbearance Procedures Order*, 24 FCC Rcd at 9561, para. 34.

<sup>8</sup> *Id.* at 9561, para. 33 n.110; 47 C.F.R. §§ 1.58, 1.1203.

<sup>9</sup> 47 C.F.R. §§ 1.58, 1.1203. In accordance with the purpose of section 1.58 of the Commission's rules, comments submitted on any Commission blog pages during the quiet period will not be considered by the Commission in finalizing the item under consideration.