



PUBLIC NOTICE

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QUIET PERIOD FOR THE PLATINUMTEL COMMUNICATIONS, LLC., CAL COMMUNICATIONS, INC., AND RECELLULAR, INC. (MCA WIRELESS) FORBEARANCE PROCEEDING

WC Docket No. 09-197

Quiet Period Begins: September 16, 2011

On June 26, 2009, the Commission adopted the *Forbearance Procedures Order*,¹ which put in place procedural rules governing forbearance petitions under section 10 of the Communications Act of 1934, as amended (the Act).² 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.³ As indicated in the *Forbearance Procedures Order*, this public notice announces the beginning of the two-week quiet period.⁴

PlatinumTel Communications, LLC. (PlatinumTel), CAL Communications, Inc. and ReCellular, Inc. each filed a petition requesting that the Commission forbear from applying the facilities requirement of 47 U.S.C. § 214(e)(1)(A) of the Act, and section 54.201(d)(1), (i) of the Commission's rules.⁵ The statutory date on which PlatinumTel's forbearance petition shall be

¹ *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. 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).

² 47 U.S.C. § 160.

³ 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.

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

⁵ See *Petition for Forbearance of PlatinumTel Communications, LLC*, WC Docket No. 09-197 (filed July 2, 2010) (PlatinumTel Petition); *Petition of CAL Communications, Incorporated for Forbearance Pursuant to 47 U.S.C. § 160 from the Own Facilities Requirement for Eligible Telecommunications Carrier Status*, WC Docket No. 09-197 (filed August 6, 2010) (CAL Communications Petition); *Petition for Forbearance of ReCellular, Inc.*, WC Docket No. 09-197 (filed Oct. 13, 2010) (ReCellular Petition); 47 U.S.C. § 160.

deemed granted, in the absence of a Commission denial of the petition, is September 30, 2011.⁶ Because the PlatinumTel, CAL Communications and ReCellular petitions request similar relief, the Commission intends to address the three petitions simultaneously. We therefore apply the quiet period required by section 1.58 of the Commission's rules to the PlatinumTel Forbearance Petition, the CAL Communications Forbearance Petition and the ReCellular Forbearance Petition. Based on the statutory deadline for PlatinumTel, the quiet period for this proceeding **begins on September 16, 2011.**⁷

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."⁸ Accordingly, all presentations to decision makers concerning the PlatinumTel, CAL Communications or ReCellular forbearance proceedings, whether *ex parte* or not, are prohibited during the two-week quiet period, beginning September 16, 2011.⁹

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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⁶ Pursuant to section 10(c), the Commission's Wireline Competition Bureau extended the initial one-year statutory period by an additional 90 days, from July 2, 2011 to September 30, 2011. See *Telecommunications Carriers Eligible to Receive Universal Service Support; PlatinumTel Communications, LLC. Petition for Forbearance*, WC Docket No. 09-197, Order, 26 FCC Rcd 8428 (Wireline Comp. Bur. 2011).

⁷ "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.

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

⁹ 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.