



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 11-642
Release Date: April 7, 2011

WIRELINER COMPETITION BUREAU INITIATES PROCEEDING TO CONSIDER 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: May 9, 2011

Reply Comment Date: May 24, 2011

The Wireline Competition Bureau (Bureau) provides notice that it is initiating a proceeding to consider a petition filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero), pursuant to section 54.207 of the Commission's rules.¹ Viaero requests the Commission's agreement with the decision of the Kansas State Corporation Commission to redefine the service areas of several rural telephone companies: Golden Belt, S&T Telephone Cooperative Association, Tri-County Telephone Association, Twin Valley, and Wheat State.²

On January 19, 2011, the Bureau released a public notice seeking comment on Viaero's petition.³ Pursuant to section 54.207(c)(3) of the Commission's rules, the Bureau has 90 days from the release date of a public notice to initiate a proceeding to consider petitions to redefine the service areas of rural telephone companies.⁴ This notice constitutes initiation of such a proceeding for the Petition.

Interested parties may file **comments on or before May 9, 2011**, and **reply comments on or before May 24, 2011**. 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/>.

¹ Petition by NE Colorado Cellular, Inc., d/b/a Viaero Wireless for Commission Agreement in Redefining Certain Service Areas of Incumbent Rural Telephone Companies in the State of Kansas Pursuant to 47 C.F.R. Section 54.207(c), WC Docket No. 09-197 (filed Jan. 13, 2011) (Petition); 47 C.F.R. § 54.207.

² Petition at 5–6.

³ *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, Public Notice, 26 FCC Rcd 369 (Wireline Comp. Bur. 2011).

⁴ 47 C.F.R. § 54.207(c)(3). If the Commission does not initiate a proceeding within 90 days of the release of the public notice, the definitions proposed by the Illinois Commerce Commission will be deemed approved by the Commission and would take effect in accordance with state procedures. 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Bureau. 47 C.F.R. § 54.207(e).

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

- 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.bcpiweb.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-B442, Washington, D.C. 20554; e-mail: joseph.cavender@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.bcpiweb.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 Joseph Cavender, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -