



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1404

Release Date: August 27, 2012

**WIRELINE COMPETITION BUREAU REMINDS PARTIES OF DEADLINES FOR FILING
OPPOSITIONS AND REPLIES REGARDING THE ALLBAND COMMUNICATIONS
COOPERATIVE APPLICATION FOR REVIEW OF THE *ALLBAND WAIVER ORDER***

WC Docket No. 10-90

Oppositions Due: September 11, 2012

Replies to Oppositions Due: September 21, 2012

On July 25, 2012, the Wireline Competition Bureau released the *Allband Waiver Order*, which granted in part, denied in part, and dismissed as moot in part, a request for waiver filed by Allband Communications Cooperative (Allband) of: (1) section 54.302 of the Commission's rules, which established a \$250 per-line per-month cap on total high-cost support; and (2) section 36.621(a)(5) of the Commission's rules, which established limits on reimbursable capital and operating expenses within high-cost loop support.¹ Specifically, the Bureau granted Allband a waiver of section 54.302 for three years to provide Allband additional time to take cost-cutting and revenue enhancing actions in order to improve its financial position and lessen its dependence on high-cost support. The Bureau also dismissed as moot Allband's request for waiver of section 36.621(a)(5) because Allband is not capped by the rule as implemented by the Bureau.

On August 24, 2012, Allband filed an application for review of the *Allband Waiver Order*.² Specifically, Allband requests that the Commission: (1) extend the waiver of 54.302 from three years to fifteen to coincide with the repayment of Allband's Rural Utilities Service (RUS) loan;³ and (2) grant a waiver of section 36.621(a)(5) for the same fifteen-year period.⁴

Pursuant to section 1.115 of the Commission's rules, oppositions shall be filed within 15 days after the application for review is filed and replies to oppositions shall be filed within 10 days after the

¹ *Allband Communications Cooperative Request for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90, Order, DA 12-1194 (Wireline Comp. Bur. rel. July 25, 2012) (*Allband Waiver Order*).

² Allband Communications Cooperative Petition for Application for Review of the Wireline Competition Bureau Decision in the July 25, 2012 FCC Order, WC Docket No. 10-90 et al. (filed August 24, 2012) (Application for Review).

³ *Id.* at 1.

⁴ *Id.*

opposition is filed.⁵ Oppositions and replies to oppositions may be filed using the Commission's Electronic Comment Filing System (ECFS).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 one copy 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, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- 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, SW, Washington DC 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) Abdel Eqab, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B431, Washington, D.C. 20554; e-mail: Abdel-Hamid.Eqab@fcc.gov; and
- (2) 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.

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation

⁵ 47 C.F.R. § 1.115.

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

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

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