



PUBLIC NOTICE

Federal Communications Commission
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Release Date: December 3, 2012

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR LIMITED
WAIVER OF THE COMMISSION'S RULES FILED BY CIMARRON TELEPHONE
COMPANY, CROSS TELEPHONE COMPANY, AND POTTAWATOMIE TELEPHONE
COMPANY**

**WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45;
WT Docket No. 10-208**

Comment Date: January 2, 2013

Reply Comment Date: January 17, 2013

On November 19, 2012, Cimarron Telephone Company, Cross Telephone Company, and Pottawatomie Telephone Company (collectively, Petitioners) filed a petition seeking limited waiver of the requirements set forth in 51.917 of the Commission's rules.¹ Petitioners request a "waiver allowing them to include in their 2011 Base Period Revenues amounts billed, due, and owing from Halo Wireless, Inc. . . . for intrastate usage during Fiscal Year 2011."² Petitioners assert that Halo diverted a "large amount of traffic" through its network³ and then "filed for bankruptcy protection [] staying all collection actions."⁴ Petitioners state that their "2011 Base Period Revenues do not represent normal traffic revenues because an inordinate amount is uncollectible"⁵ and that if "the Halo uncollectable intrastate access revenues are not included in the Petitioners 2011 Base Period Revenues, consumers in Petitioners' rural Oklahoma service areas will suffer the consequences for years to come."⁶

Petitioners filed a confidential and a redacted version of their waiver petition. Parties seeking access to the confidential version of Petitioners waiver petition shall request access pursuant to the terms of the *Third Protective Order* adopted August 30, 2012.⁷

¹ Cimarron Telephone Company, Cross Telephone Company, and Pottawatomie Telephone Company Petition for Limited Waiver of Section 51.917(c) of the Commission's Rules, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208 (filed Nov. 19, 2012) (Cimarron et al. Waiver Petition).

² Cimarron et al. Waiver Petition at 2.

³ *Id.* at iii.

⁴ *Id.* at 7.

⁵ *Id.* at iii.

⁶ *Id.* at iv.

⁷ *Connect America Fund et al.*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208, Protective Order, 27 FCC Rcd. 10276 (2012) (*Third Protective Order*).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.⁸ All pleadings are to reference **WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁹

- 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 Street, 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 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 email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to Belinda Nixon, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A333, Washington, DC 20554, or via email at belinda.nixon@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.¹⁰ 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 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

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

¹⁰ 47 C.F.R. §§ 1.1200 *et seq.*

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, contact Belinda Nixon, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via email at belinda.nixon@fcc.gov.

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