



PUBLIC NOTICE

Federal Communications Commission
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WIRELINER COMPETITION BUREAU SEEKS COMMENT ON MIDSTATE TELEPHONE COMPANY AND ARTHUR MUTUAL TELEPHONE COMPANY PETITIONS FOR LIMITED WAIVER OF THE COMMISSION'S INTERCARRIER COMPENSATION REVENUE RECOVERY RULES FOR RATE-OF-RETURN CARRIERS

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

Comment Date: June 4, 2013

On May 9, 2013, Midstate Telephone Company (Midstate) filed a petition for waiver of section 51.917(b)(7)(iii) of the Commission's rules.¹ Specifically, Midstate seeks a limited waiver "to correct a clerical error in the identification of its Base Period Fiscal Year 2011 reciprocal compensation revenues received by March 31, 2012."² Midstate explains that when it "initially identified its fiscal year reciprocal compensation revenues and expenses, it inadvertently excluded a portion of the recip[rocal] comp[ensation] revenue for one of the CMRS providers."³ Midstate argues that "a significant support reduction"⁴ would result if the clerical error is not corrected.

On May 13, 2013, Arthur Mutual Telephone Company (Arthur), filed a petition for waiver of section 51.917(b)(7)(ii) of the Commission's rules.⁵ Arthur seeks a limited waiver "to include in its FY 2011 Base Period Revenue amounts for Transitional Access Service that were billed and collected during this time period, but were not properly accounted for when calculating the baseline for recovery."⁶ Arthur states that "due to a change in billing vendors" the company mistakenly omitted "eight months of revenue and minutes related to Intrastate/InterMTA billed as Intrastate access and received from wireless

¹ Petition of Midstate Telephone Company for Limited Waiver of 47 C.F.R. § 51.917(b)(7)(iii), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-109, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed May 9, 2013).

² *Id.*

³ *Id.* at 1-2.

⁴ *Id.* at 2.

⁵ Petition of Arthur Mutual Telephone Company for Limited Waiver of 47 C.F.R. § 51.917(b)(7)(ii), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-109, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed May 13, 2013).

⁶ *Id.*

carriers.”⁷ Arthur argues that if it is not allowed to correct “[t]his material understatement of base period revenues” the company would lose “significant” CAF support.”⁸

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ 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 presentation. If the presentation consisted in whole or in part of the presentation of data or arguments

⁷ *Id.* at 2.

⁸ *Id.*

⁹ 47 C.F.R. §§ 1.1200 *et seq.*

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 Gregory Haledjian, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at Gregory.Haledjian@fcc.gov.

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