



PUBLIC NOTICE

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

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Internet: <http://www.fcc.gov>
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DA 13-1766

Release Date: August 15, 2013

**WIRELINER COMPETITION BUREAU REMINDS PARTIES OF DEADLINES FOR FILING
OPPOSITIONS AND REPLIES REGARDING THE ADAK EAGLE ENTERPRISES, LLC AND
WINDY CITY CELLULAR, LLC PETITION FOR RECONSIDERATION AND APPLICATION
FOR REVIEW OF THE *ADAK/WINDY CITY WAIVER ORDER***

**WC Docket No. 10-90
WT Docket No. 10-208**

**Oppositions Due: August 30, 2013
Replies to Oppositions Due: September 9, 2013**

On July 15, 2013, the Wireline Competition Bureau released the *Adak/Windy City Waiver Order*, which denied a request for waiver by Adak Eagle Enterprises, LLC (AEE) for waiver of section 54.302 of the Commission's rules, which established a \$250 per line per month cap on high-cost universal service support for carriers generally.¹ The *Adak/Windy City Waiver Order* also denied a request for waiver by Windy City Cellular, LLC (WCC) for waiver of section 54.307(e) of the Commission's rules, which established a \$250 per line per month cap on high-cost universal service support for competitive eligible telecommunications carriers (ETCs).²

On August 14, 2013, AEE and WCC concurrently filed a petition for reconsideration of the *Adak/Windy City Waiver Order* and an application for review of the *Adak/Windy City Waiver Order*.³ In the petition for reconsideration, AEE and WCC specifically request that the Bureaus reconsider their denial of AEE's and WCC's respective petitions. In the application for review, AEE and WCC specifically request that the Commission reverse the *Adak/Windy City Waiver Order* on the bases that the Bureaus exceeded their authority.

¹ *Adak Eagle Enterprises, LLC and Windy City Cellular, LLC Request for Waiver of Certain High-Cost Universal Service Rules*, WC Docket No. 10-90, WT Docket No. 10-208, Order, DA 13-1578 (Wireline Comp. Bur. & Wireless Telecom. Bur. rel. July 15, 2013) (*Adak/Windy City Waiver Order*).

² *Id.*

³ Adak Eagle Enterprises, LLC and Windy City Cellular, LLC, Petition for Reconsideration of the Wireline Competition Bureau and Wireless Telecommunications Bureau Decision in the July 15, 2013 FCC Order, WC Docket No. 10-90, WT Docket No. 10-208 (filed Aug. 14, 2013) (Petition for Reconsideration); Adak Eagle Enterprises, LLC and Windy City Cellular, LLC, Application for Review of the Wireline Competition Bureau and Wireless Telecommunications Bureau Decision in the July 15, 2013 FCC Order, WC Docket No. 10-90, WT Docket No. 10-208 (filed Aug. 14, 2013) (Application for Review).

Pursuant to the Commission's rules,⁴ oppositions shall be filed within 15 days after the petition for reconsideration and application for review are filed and replies to oppositions shall be filed within 10 days after the opposition is filed. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- 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).

Additional Copies. In addition, we request that you send one copy of each pleading to each of the following:

- (1) Christopher Cook, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A110, Washington, D.C. 20554; e-mail: Christopher.Cook@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.

⁴ Pursuant to section 1.106, oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and replies to oppositions shall be filed within 7 days after the opposition is filed. *See* 47 C.F.R. §§ 1.106(g)-(h). In the interest of ease and clarity, since AEE and WCC filed a petition for reconsideration and an application for review concurrently, the Bureau will abide by the filing deadlines for the application for review. Consequently, pursuant to section 1.115, oppositions shall be filed within 15 days after the party's filing and replies to oppositions shall be filed within 10 days after the opposition is filed. *See* 47 C.F.R. § 1.115.

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

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ 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 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 Christopher Cook, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁶ 47 C.F.R. §§ 1.1200 *et seq.*