



PUBLIC NOTICE

Federal Communications Commission
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DA 13-2111

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WIRELESS TELECOMMUNICATIONS AND WIRELINE COMPETITION BUREAUS SEEK COMMENT ON NTUA WIRELESS, LLC'S PETITION FOR FORBEARANCE FROM ELIGIBLE TELECOMMUNICATIONS CARRIER SERVICE AREA REQUIREMENT

WT Docket No. 10-208
WC Docket No. 09-197

Comment Date: November 15, 2013
Reply Comment Date: November 22, 2013

The Wireless Telecommunications and Wireline Competition Bureaus (the Bureaus) seek comment on a petition filed on October 17, 2013, by NTUA Wireless, LLC (NTUA Wireless) requesting forbearance from enforcement of section 214(e)(5) of the Communications Act of 1934, as amended, and section 54.207(b) of the Commission's rules, in connection with applications for conditional designation as eligible telecommunications carriers (ETCs) for purposes of participating in Auction 902, the Tribal Mobility Fund Phase I auction.¹ The Commission previously adopted a limited forbearance from those provisions with respect to ETC designations conditioned on receipt of support in Auction 901, the Mobility Fund Phase I auction.²

Granting the Petition would enable any otherwise eligible telecommunications carrier to be designated as an ETC for any service area, conditioned on winning support throughout that area in Auction 902, even though the ultimate service area may not conform to related rural study area(s), as is normally required by section 214(e)(5) of the Act and section 54.207(b) of the rules. The Bureaus establish the abbreviated pleading cycle set forth above so that parties could be in a position to benefit from any grant of the Petition in time to participate in Auction 902.³ The pleading cycle will close on

¹ 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b). Petition for Forbearance of NTUA Wireless, LLC, WT Docket No. 10-208, AU Docket No. 13-53 (filed Oct. 17, 2013) (Petition).

² Connect America Fund, WC Docket No. 10-90, A National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109, Universal Service Reform – Mobility Fund, WT Docket No. 10-208, *Second Report and Order*, FCC 12-70, 27 FCC Rcd 7856 (2012).

³ The Commission normally provides 30 days for comments and 15 days for reply comments with respect to petitions requesting forbearance. See Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended, WC Docket No. 07-267, *Report and Order*, FCC 09-56, 24 FCC Rcd 9543, 9558-59, para. 29 (2009). However, the Commission "retain[ed] the

November 22, 2013. Applications to participate in Auction 902 must be filed no later than December 5, 2013.⁴

Interested parties may file comments and reply comments on or before the dates indicated above. 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/>.
- Auction 902 E-mail Box: The Bureaus also request that a copy of all comments and replies be submitted electronically to the following address: auction902@fcc.gov.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. 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 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).

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

flexibility to ensure that the time for comment on any individual forbearance petition is both adequate and not needlessly long." *Id.*; see also 47 C.F.R. § 1.3 (providing that the Commission may suspend or waive its rules for good cause). In light of the issues presented by the Petition and the filing deadline for applications to participate in Auction 902, we conclude that this abbreviated pleading cycle serves the public interest.

⁴ See Tribal Mobility Fund Phase I Auction Rescheduled for February 25, 2014; Notice of Changes to Auction 902 Schedule Following Resumption of Normal Commission Operations, AU Docket No. 13-53, *Public Notice*, DA 13-2057 (rel. Oct. 30, 2013).

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

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 Sayuri Rajapakse, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau at (202) 418-0660.

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