



PUBLIC NOTICE

Federal Communications Commission
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WIRESHIP COMPETITION BUREAU SEEKS COMMENT ON WEST KENTUCKY AND YUKON-WALTZ 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, 12-233; WT Docket No. 10-208

Comment Date: January 25, 2013

The Wireline Competition Bureau (Bureau) seeks comment on two petitions seeking waivers of 47 C.F.R. Section 51.917(b)(7)(ii). The first was filed by West Kentucky and Tennessee Telecommunications Cooperative (WK&T) on December 19, 2012,¹ and the second was filed by Yukon-Waltz Telephone Company (YWTC) on January 11, 2013.²

In its Petition, WK&T seeks “a limited waiver of 47 C.F.R. Section 51.917(b)(7)(ii)...[to] allow WK&T to include within in its FY 2011 Base Period Revenues amounts...that should have been billed and collected by March 31, 2012.”³ WK&T also seeks a waiver, “[t]o the extent necessary...of the provision that waivers of this nature are a result of ‘the decision of a court or regulatory agency of competent jurisdiction.’”⁴ WK&T states that, as a result of an inadvertent billing error⁵ due to a change in personnel,⁶ certain Fiscal Year 2011 intrastate access revenue was billed and collected after March 31, 2012. WK&T argues that the requested waivers are justified because the overall purpose of the waiver process described in footnote 1745 of the *USF/ICC Transformation Order*⁷ is to “allow a company to

¹ West Kentucky and Tennessee Telecommunications Cooperative Petition for Limited Waiver of 47 C.F.R. 51.917(b)(ii), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-09, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed Dec. 19, 2012) (WK&T Petition).

² Yukon-Waltz Telephone Company Petition for Limited Waiver of 47 C.F.R. 51.917(b)(ii), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-09, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed Jan. 11, 2013) (YWTC Petition).

³ WK&T Petition at 1-2.

⁴ *Id.* at fn 10.

⁵ *Id.* at 4.

⁶ *Id.* at 3.

⁷ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd at 17982 (2011), *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases) (*USF/ICC Transformation Order*).

include revenues associated with FY 2011 that were billed and collected to be included in the Baseline when those revenues were collected after March 31, 2012.”⁸

YWTC requests, in its Petition, “a limited waiver of Section 51.917(b)(7)(ii) of the Commission’s rules in order to correct an accounting error.”⁹ YWTC explains that due to a billing system error, it failed to bill terminating minutes for its largest carrier on a specific direct trunk group.¹⁰ Further, YWTC states that it successfully identified, billed, and collected the terminating minutes from the carrier after discovering the error in March 2012 and payment was received in full in July 2012.¹¹ YWTC claims that failing to include these terminating minutes, “materially understates YWTC’s baseline intrastate access revenues.”¹²

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, interested parties may file comments on or before the date indicated on the first page of this document.¹³ All pleadings are to reference CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-09, 05-337, 07-135, 10-90, 12-233, WT Docket No. 10-208. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).¹⁴

- 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.

⁸ WK&T Petition at 5.

⁹ YWTC Petition at 1.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ 47 C.F.R. §§ 1.415, 1.419.

¹⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

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).

In addition, one copy of each pleading must be sent to Gregory Haledjian, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 6-A232, Washington, D.C. 20554, or via e-mail at Gregory.Haledjian@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.¹⁵ 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 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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¹⁵ 47 C.F.R. §§ 1.1200 *et seq.*