



PUBLIC NOTICE

Federal Communications Commission
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COMMENT SOUGHT ON A PETITION FILED BY PIONEER TELEPHONE COOPERATIVE, INC. FOR WAIVER CONCERNING THE COMMISSION'S PART 36 JURISDICTIONAL SEPARATIONS RULES

CC Docket No. 80-286

Comment Date: May 20, 2013
Reply Comment Date: June 3, 2013

In the *2001 Separations Freeze Order*, the Commission imposed a freeze on all Part 36 cost allocation factors.¹ In addition, the Commission imposed a freeze on Part 36 category relationships for price cap carriers, but gave rate-of-return carriers the option freezing their category relationships or leaving them unfrozen.² The Commission has subsequently extended the separations freeze.³ On March 22, 2013, Pioneer Telephone Cooperative, Inc. (Pioneer), a rate-of-return carrier which elected in 2001 to freeze its category relationships, filed a petition seeking a waiver of sections 36.3, 36.123-126, 36-141, 36.152-157, 36.191 and 36.372-382 of the Commission's rules to unfreeze Part 36 category relationships.⁴ The Wireline Competition Bureau seeks comment on Pioneer's petition.

Interested parties may file **comments on or before May 20, 2013** and **reply comments on or before June 3, 2013**. All filings are to reference **CC Docket No. 80-286**. 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://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.

¹ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 16 FCC Rcd 11382, 11387-88, para. 9. (2001).

² *Id.* at 11388-89, para. 11.

³ See e.g., *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 26 FCC Rcd 7133 (2011) (extending the separations freeze until June 30, 2012); 47 C.F.R. Part 36.

⁴ Petition of Pioneer Telephone Cooperative, Inc. for Waiver of 47 C.F.R. Section 36.3, 36.123-126, 36-141, 36.152-157, 36.191 And 36.372-382 To Unfreeze Part 36 Category Relationships, CC Docket No. 80-286 (Mar. 22, 2013); 47 C.F.R. §§ 36.3; 36.123-126, 36-141, 36.152-157, 36.191 and 36.372-382.

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

- Paper Filers: Parties who choose to file by paper must file an original and four copies 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).

This proceeding is considered a "permit but disclose" proceeding for purposes of 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.

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

For further information, please contact Wesley Platt, Competition Policy Division, Wireline Competition Bureau, (202) 418-2821 or Wesley.Platt@fcc.gov.

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