



PUBLIC NOTICE

Federal Communications Commission
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DA 15-1093

Released: September 30, 2015

COMMENT DATES SET ON HAWAIIAN TELCOM COMPLIANCE PLAN FOR FORBEARANCE RELIEF FROM COST ASSIGNMENT RULES

WC Docket Nos. 12-61, 07-204, 07-21

Comments Due: October 30, 2015

Reply Comments Due: November 16, 2015

On May 17, 2013, the Commission conditionally granted forbearance to price cap carriers from a set of rules that generally require carriers to assign costs to build and maintain the network, and revenues from services provided, to specific categories (called the “Cost Assignment Rules”).¹ For each price cap carrier, the grant was expressly conditioned on, among other things, the Wireline Competition Bureau’s approval of a compliance plan describing in detail how the price cap carrier would continue to fulfill its statutory and regulatory obligations, as well as the other forbearance conditions.² On September 11, 2015, Hawaiian Telcom filed a copy of its compliance plan in WC Docket 12-61.³

Pursuant to section 1.419 of the Commission’s rules, 47 C.F.R. § 1.419, interested parties may file comments and reply comments on or before the respective dates indicated above. Comments and reply comments may be filed by paper or by using the Commission’s Electronic Comment Filing System (ECFS).⁴

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Because more than one docket number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S.

¹ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, Memorandum Opinion and Order, 28 FCC Rcd 7627, 7646-54, paras. 31-51 (2013), *pet. for review denied sub nom. Verizon v. FCC*, 770 F.3d 961 (D.C. Cir. 2014).

² *Id.* at 7651-54, paras. 42-51.

³ Letter from Steven P. Golden, Vice President, External Affairs, Hawaiian Telcom, Inc., to Matthew DelNero, Chief, Wireline Competition Bureau, FCC, WC Docket Nos. 12-61, 07-204, 07-21 (filed Sept. 11, 2015).

⁴ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ 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 additional information, please contact Belinda E. Nixon, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at belinda.nixon@fcc.gov.

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⁵ 47 C.F.R. § 1.1200 *et seq.*