



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 15-192

Released: February 10, 2015

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON NECA'S PETITION FOR CLARIFICATION AND/OR DECLARATORY RULING RE SANDWICH ISLES DECLARATORY RULING

WC Docket No: 09-133

Comment Date: March 12, 2015
Reply Comment: March 27, 2015

On February 6, 2015, the National Exchange Carrier Association (NECA) filed a petition for clarification and/or declaratory ruling with regard to the provisions of *Sandwich Isles Communications, Inc.* (Declaratory Ruling).¹ In administering the terms of the Declaratory Ruling, NECA claims that, upon review of Sandwich Isles cost study, Sandwich Isles is only paying a portion of the lease expenses that are being included in the NECA pool revenue requirement.² NECA requests that the Commission clarify whether the "lease expenses subject to dispute" must be actually paid expenses during the relevant carrier accounting cycle, and if so, requests the Commission provide authority for NECA to adjust Sandwich Isles' pool settlements paid in periods now closed under NECA's 24-month adjustment window.³

Pursuant to section 1.2 of the Commission's rules, 47 C.F.R. § 1.2, interested parties may file comments on or before the date indicated above. Comments may be filed by paper copies or by using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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. 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. Postal

¹ See Petition of NECA for Clarification and/or Declaratory Ruling, WC Docket No. 09-133 at 1 (filed Feb. 6, 2015), (requesting a clarification of *Sandwich Isles Communications, Inc.*, WC Docket No. 09-133, Declaratory Ruling, 25 FCC Rcd. 13647 (Wireline Comp. Bur. 2010), *pet. for recon. and app. for rev. pending*).

² *Id.* at 4.

³ *Id.* at 10-11.

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) or (202) 418-0432 (tty).

In order to develop a complete record on the issues presented in the waiver petition, this matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁴ 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 Thomas Parisi, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1356 or via e-mail at Thomas.Parisi@fcc.gov.

- FCC -

⁴ 47 C.F.R. § 1.1200 *et seq.*