



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON FAIRPOINT'S PETITION FOR WAIVER TO WITHDRAW FROM ASSOCIATION COMMON LINE TARIFF

WC Docket No. 16-309

Comment Date: October 14, 2016

Reply Comment Date: October 31, 2016

On September 16, 2016, FairPoint Communications, Inc. (FairPoint) filed a petition for waiver of the requirement in Section 69.3(e)(9) of the Commission's rules requiring that a carrier intending to file its own Carrier Common Line tariff notify the National Exchange Carrier Association (NECA) by March 1 of the year in which the tariff will become effective.¹ FairPoint maintains that its rate-of-return incumbent local exchange carriers (LECs) are regulated similarly to carriers that elect the Commission's Alternative Connect America Fund Cost Model (A-CAM) in that they no longer receive cost-based support for carrier common-line elements, yet remain under rate-of-return rules for traffic-sensitive elements.² FairPoint seeks this waiver so it may withdraw its rate-of-return incumbent LECs from the NECA Common Line pool simultaneously with such carriers electing the A-CAM.³ FairPoint also requests a waiver of any other rules as necessary to effectuate its withdrawal from the NECA Common Line pool.⁴

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 dates indicated above. Comments should reference **WC Docket No. 16-309**, and 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/>.

¹ FairPoint Communications, Inc. Petition for Waiver to Withdraw From Association Common Line Tariff, WC Docket No. 16-309, at 1 (filed Sept. 16, 2016); see 47 CFR § 69.3(e)(9).

² *Id.*

³ *Id.* Once it exits the NECA Common Line pool, FairPoint will either participate in the NECA Common Line tariff or file its own tariff. *Id.* at 3.

⁴ *Id.* at 1.

- 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) 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.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 further information, please contact Edward B. Krachmer, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1525 or via e-mail at edward.krachmer@fcc.gov.

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⁵ 47 CFR § 1.1200 *et seq.*