



PUBLIC NOTICE

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

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

DA 16-564

Released: May 23, 2016

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
JOINT PETITION OF MUTUAL TELEPHONE COMPANY OF SIOUX CENTER, IOWA d/b/a
PREMIER COMMUNICATIONS AND WINNEBAGO COOPERATIVE TELECOM
ASSOCIATION TO WAIVE THE DEFINITION OF “STUDY AREA” AS CODIFIED IN
PART 36 OF THE COMMISSION’S RULES**

CC Docket No. 96-45

Comment Date: June 22, 2016

Reply Comment Date: July 7, 2016

The Wireline Competition Bureau (Bureau) seeks comment on the joint petition of Mutual Telephone Company of Sioux Center, Iowa d/b/a Premier Communications (Mutual) and Winnebago Cooperative Telecom Association (Winnebago) (together, Petitioners) for waiver of the definition of “study area.”¹ Petitioners state that the purpose of the waiver is to redefine the Consolidated Communications of Iowa f/k/a Heartland Telecommunications Company of Iowa (Heartland) study area to exclude the Bancroft and Lakota, Iowa exchanges and create a new study area for Winnebago consisting of the two exchanges of Bancroft and Lakota, Iowa.² The remaining exchanges in the Heartland study area (all exchanges other than Bancroft and Lakota) will be owned by Mutual.³ Petitioners state that they intend to honor the committed buildout obligations for the established CAF Phase II funding eligible locations in their respective modified Heartland and new Winnebago study areas.⁴

Effective November 15, 1984, the Commission froze all study area boundaries to prevent incumbent local exchange carriers from establishing separate study areas made up only of high-cost exchanges to maximize their receipt of high-cost universal service support.⁵ A carrier must therefore apply to the Commission for a waiver of the study area boundary freeze if it wishes to transfer or acquire additional exchanges.

¹ Mutual Telephone Company of Sioux Center, Iowa d/b/a Premier Communication and Winnebago Cooperative Telecomm Association for Waiver, CC Docket No. 96-45 (filed May 3, 2016) (Petition). 47 CFR pt. 36 App. (defining “study area”).

² See Petition at 1.

³ See Petition at 1-2. Petitioners’ state that modification of the Heartland study area boundary and creation of a new Winnebago study area will not increase the burden on the universal service fund (USF) or cause a shift in USF cost recovery. In addition, they state that grant of the waiver will not impact the total baseline for CAF-ICC funding, as those funds will be allocated based on access lines.

⁴ See Petition at 4.

⁵ See *MTS and WATS Market Structure, Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Decision and Order, 50 Fed. Reg. 939 (1985).

In the *USF/ICC Transformation Order*, the Commission streamlined its rules governing study area waiver requests, creating a method similar to the Bureau's processing of routine section 214 transfer of control applications.⁶ The Petition raises questions regarding the transfer of CAF Phase II obligations and the requirements applicable to rate-of-return carriers.⁷ Granting the Petition via the streamlined process would not allow for a complete evaluation of these issues. Therefore, the Bureau finds that the Petition is inappropriate for streamlined treatment and should be subject to further analysis and review. Accordingly, the Bureau will issue an order either granting or denying the Petition after considering the record, including the record received in response to this public notice.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the dates indicated above.⁸ All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁹

- 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.

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.

In addition, we request that one copy of each pleading be sent to each of the following:

- (1) Abdel Eqab, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B431, Washington, D.C. 20554; e-mail: Abdel-Hamid.Eqab@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@fcc.gov.

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).

⁶ See *USF/ICC Transformation Order*, 26 FCC Rcd at 17763, paras. 266-67.

⁷ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31 FCC Rcd 3087 (2016).

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be publically available online via ECFS.¹⁰ These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, which is located in Room CY-A257 at FCC Headquarters, 445 12th Street, SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹ 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 Abdel Eqab, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

¹⁰ Documents will generally be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

¹¹ 47 CFR §§ 1.1200 *et seq.*