



# PUBLIC NOTICE

Federal Communications Commission  
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DA 22-782

Released: July 20, 2022

## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR DECLARATORY RULING FILED BY MIDCONTINENT COMMUNICATIONS

WC Docket No. 22-277

Comments Due: August 19, 2022

Reply Comments Due: September 9, 2022

The Wireline Competition Bureau seeks comment on a petition for declaratory ruling filed on July 12, 2022, by Midcontinent Communications (Midcontinent).<sup>1</sup> In its Petition, Midcontinent requests that the Federal Communications Commission (Commission) issue a declaratory ruling affirming that a telecommunications carrier authorized to provide any telecommunications service in a state may seek interconnection with any other telecommunications carrier under section 251(a) of the Communications Act for the purpose of providing wholesale interconnection services for the exchange of local traffic, without the need to obtain additional authority from a state regulator, including a certificate of authority to provide local exchange service.<sup>2</sup> Midcontinent asserts that the South Dakota Public Utilities Commission's recent ruling that Midcontinent is not entitled to interconnection with a rural incumbent telephone company to provide wholesale interconnection services until Midcontinent obtains a certificate of authority to provide local exchange service in the exchange where Midcontinent is seeking to provide the services is inconsistent with section 251(a) and Commission precedent.<sup>3</sup>

*Filing Requirements.* Pursuant to section 1.419 of the Commission's rules,<sup>4</sup> interested parties may file comments on or before **August 19, 2022** and reply comments on or before **September 9, 2022**. All filings should reference **WC Docket No. 22-277**. Filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments and oppositions may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs).<sup>5</sup>
- Paper Filers: Parties who choose to file 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.

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<sup>1</sup> Petition for Declaratory Ruling Concerning Qualifications for Obtaining Local Interconnection Under Section 251(a) of the Communications Act, WC Docket No. 22-277 (filed July 12, 2022), <https://www.fcc.gov/ecfs/filing/status/detail/confirmation/2022071288798586>.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.* at 2-3.

<sup>4</sup> 47 CFR § 1.419.

<sup>5</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, N.E., Washington, DC 20544.
- Until further notice, the Commission will not accept any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals and mitigate the transmission of COVID-19.

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

The proceedings this Notice initiates shall be treated as “permit-but-disclose” proceedings in accordance with the Commission’s *ex parte* rules.<sup>6</sup> 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 these proceedings should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Chris Laughlin, [chris.laughlin@fcc.gov](mailto:chris.laughlin@fcc.gov), (202) 418-2193.

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<sup>6</sup> 47 CFR § 1.1200 *et seq.*