



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 25-713

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR PREEMPTION AND DECLARATORY RULING FILED PURSUANT TO SECTION 253 OF THE COMMUNICATIONS ACT

WC Docket No. 25-248

Comments Due: September 12, 2025

Reply Comments Due: October 14, 2025

The Wireline Competition Bureau seeks comment on a petition for preemption and declaratory ruling filed pursuant to section 253(d) of the Communications Act (Act).¹ The petition was filed on August 6, 2025 by BIF IV Intrepid OpCo LLC (Intrepid)² and asks the Commission to preempt a contract that the city of Cottage Grove, Minnesota (the City) has entered with another provider to deploy fiber optic infrastructure in the City.³ The petition states that the City entered the contract after issuing a Request for Proposal⁴ stating that “the City will not issue future right of way permits for broadband projects for at least five years” after reaching an agreement, thereby providing “the chosen broadband partner(s) **exclusive rights to access the assigned rights of way for broadband services** to serve the City of Cottage Grove until at least 2030.”⁵ Intrepid states that, due to the award of an exclusive contract to another provider, permit applications that it submitted to expand its fiber optic telecommunications network to the City are now being denied.⁶

Interested parties may file comments or oppositions to the Intrepid Petition on or before **September 12, 2025** and reply comments on or before **October 14, 2025**. All filings addressing the Intrepid Petition must reference WC Docket No. 25-248.

- *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.⁷

¹ 47 U.S.C. § 253(d); *see also* 47 CFR § 1.2(b).

² *Petition of BIF IV Intrepid OpCo LLC for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (filed August 6, 2025), <https://www.fcc.gov/ecfs/document/10806540507743/1> (Intrepid Petition).

³ Intrepid Petition at 1, 3-4, 14.

⁴ *Id.* at 1, 3-4.

⁵ *Id.*, Exh. 1 at 3 (emphasis in original).

⁶ *Id.* at 3-4.

⁷ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *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 courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. 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 courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, 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.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ 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 Elizabeth Drogula, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1591 or via e-mail at Elizabeth.Drogula@fcc.gov.

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⁸ 47 CFR § 1.1200 *et seq.*