



PUBLIC NOTICE

Federal Communications Commission
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DA 04-1739

THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION TO REDEFINE CERTAIN RURAL TELEPHONE COMPANY SERVICE AREAS IN THE STATE OF NORTH DAKOTA

CC Docket No. 96-45

Release Date: June 17, 2004

Comment Date: July 1, 2004

Reply Comment Date: July 15, 2004

The Wireline Competition Bureau seeks comment on a petition filed by Northwest Dakota Cellular of North Dakota Limited Partnership; North Central RSA 2 of North Dakota Limited Partnership; North Dakota RSA No. 3 of North Dakota Limited Partnership; Badlands Cellular of North Dakota Limited Partnership; North Dakota 5 – Kidder Limited Partnership; and Bismarck MSA Limited Partnership (Petitioners), pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the North Dakota Public Service Commission's (North Dakota Commission) decision to redefine certain rural telephone company service areas in the state of North Dakota.¹

In accordance with section 54.207(c)(1), Petitioners filed with their Petition the service area definition proposed by the North Dakota Commission and the North Dakota Commission's ruling presenting its reasons for adopting the proposed redefinition.² The North Dakota Commission's redefinition may not take effect unless and until this Commission agrees with the North Dakota

¹ *Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota Pursuant to 47 C.F.R. § 54.207(c)*, CC Docket No. 96-45, filed June 3, 2004 (Petition). Section 54.207 of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural telephone company's service area will be its study area "unless and until the Commission and the states, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company." 47 C.F.R. § 54.207(b); 47 U.S.C. § 214(e)(5).

² See Petition, Exhibit A, *State of North Dakota Public Service Commission*, Order, Case Nos. PU-1226-03-597, PU-386-03-598, PU-897-03-599, PU-1225-03-600, PU-338-03-601, PU-494-03-602, at 6-7 (North Dakota Pub. Serv. Comm'n. Feb. 25, 2004) (*North Dakota Order*). A petition seeking redefinition of a rural telephone company's study areas shall contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. See also *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881 (1997) (subseq. history omitted) (*Universal Service Order*).

Commission's redefinition.³

This is the Public Notice required by section 54.207(c)(2).⁴ If the Commission initiates a proceeding to consider the Petition, it must do so within ninety (90) days from the release of this Public Notice.⁵ If the Commission does not act on the Petition within 90 days of the release of this Public Notice, the definition proposed by the North Dakota Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁶

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **July 1, 2004**, and reply comments on or before **July 15, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper also must send three paper copies of their filing to Sheryl

³ See *supra* n. 1.

⁴ 47 C.F.R. § 54.207(c)(2).

⁵ 47 C.F.R. § 54.207(c)(3)(i).

⁶ See 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

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

Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II 445 12th Street, Suite CY-B402, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.