



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 12-525  
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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE  
PETITION OF THE FAIRPOINT COST COMPANIES FOR  
CONVERSION OF THEIR SPECIAL ACCESS SERVICES  
TO PRICE CAP REGULATION AND FOR LIMITED WAIVER RELIEF**

**WC Docket No. 12-71**

**COMMENTS: May 2, 2012**

**REPLY COMMENTS: May 17, 2012**

On March 5, 2012, Berkshire Telephone Corporation, Big Sandy Telecom, Inc., Bluestem Telephone Company, Chautauqua and Erie Telephone Corporation, Chouteau Telephone Company, Columbine Telecom Company, C-R Telephone Company, The El Paso Telephone Company, Ellensburg Telephone Company, FairPoint Communications Missouri, Inc., Fremont Telcom Co., The Germantown Independent Telephone Company, GTC, Inc., Marianna and Scenery Hill Telephone Company, Odin Telephone Exchange, Inc., The Orwell Telephone Company, Peoples Mutual Telephone Company, Sunflower Telephone Company, Inc., Taconic Telephone Corp., and YCOM Networks, Inc. (collectively, the FairPoint Petitioning LECs) filed a petition seeking approval to convert their special access services to price cap regulation and for limited waiver relief.<sup>1</sup> Specifically, the FairPoint Petitioning LECs request authority for “conversion of their special access services from rate-of-return regulation to price cap regulation, and that the Commission grant limited waivers of its rules as necessary to permit the FairPoint Petitioning LECs to convert the requested services to price cap regulation on or before January 1, 2013.”<sup>2</sup> In addition to waivers of Parts 36 and 69, they seek a “waiver of the “all-or-nothing” rule so as to permit interstate switched access services to remain subject to the rate-of-return schedule for transition to bill-and-keep . . . .”<sup>3</sup>

The FairPoint Petitioning LECs state that “[g]rant of the requested conversion and waivers would provide the FairPoint Petitioning LECs with regulatory incentives to maintain and enhance efficient and innovative operations, and would result in lower overall rates for consumers, consistent with other price cap conversions and associated waivers.”<sup>4</sup>

<sup>1</sup> See Berkshire Telephone Corporation, Big Sandy Telecom, Inc., Bluestem Telephone Company, Chautauqua and Erie Telephone Corporation, Chouteau Telephone Company, Columbine Telecom Company, C-R Telephone Company, The El Paso Telephone Company, Ellensburg Telephone Company, FairPoint Communications Missouri, Inc., Fremont Telcom Co., The Germantown Independent Telephone Company, GTC, Inc., Marianna and Scenery Hill Telephone Company, Odin Telephone Exchange, Inc., The Orwell Telephone Company, Peoples Mutual Telephone Company, Sunflower Telephone Company, Inc., Taconic Telephone Corp., and YCOM Networks, Inc. Petition for Conversion of to Price Cap Regulation and for Limited Waiver Relief, WC Docket No. 12-71 (filed Mar. 5, 2012) (*Petition*).

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

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

<sup>4</sup> *Id.* at iii. See generally 47 C.F.R. Parts 36, 61 and 69.

Interested parties may file **comments on or before May 2, 2012**, and **reply comments on or before May 17, 2012**. All pleadings are to reference **WC Docket No. 12-71**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>5</sup> Two courtesy copies must be delivered to Douglas Slotten, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A233, Washington, DC 20554, or via e-mail at [douglas.slotten@fcc.gov](mailto:douglas.slotten@fcc.gov).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers 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. 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 12<sup>th</sup> 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 12<sup>th</sup> 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This Public Notice establishes certain procedural requirements relating to consideration of the Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>7</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>8</sup>

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

<sup>6</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>7</sup> See 47 C.F.R. § 1.1206(b).

<sup>8</sup> See *id.*

For further information regarding this proceeding, contact Douglas Slotten, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1572, or via e-mail at [douglas.slotten@fcc.gov](mailto:douglas.slotten@fcc.gov).

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