



PUBLIC NOTICE

Federal Communications Commission
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DA 13-518
Released: March 21, 2013

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE PETITION OF SUREWEST TELEPHONE FOR CONVERSION FROM RATE-OF-RETURN TO PRICE CAP REGULATION AND FOR LIMITED WAIVER RELIEF

WC Docket No. 13-71

Comment Date: April 11, 2013
Reply Comment Date: April 22, 2013

On March 11, 2013, SureWest Telephone (SureWest) filed a petition requesting “authority to convert from rate of return to price cap regulation effective as of July 1, 2013, and, to the extent necessary, limited waivers of the applicable Part 51, 54, and 61 regulations to enable such conversion.”¹ Specifically, SureWest proposes that, effective no later than July 1, 2013, its study areas should be subject to the price cap regulatory structure established in the *CALLS Order* and *USF/ICC Transformation Order*.² SureWest maintains that the requested conversion is required by section 61.41(c)(2) of the Commission’s rules because four other incumbent local exchange carrier (ILEC) subsidiaries of SureWest’s parent company, Consolidated Communications Holdings, Inc., are regulated as price cap carriers.³ In the event the Commission does not issue an order within one year after Consolidated’s July 2, 2012 acquisition of SureWest, SureWest requests a waiver of section 61.41(c)(2) of the Commission’s rules to the extent necessary.⁴ Finally, SureWest requests waiver of applicable Part 51, 54 or 61 provisions necessary to enable its proposed price cap conversion.⁵ SureWest asserts that the proposed conversion will “promote efficiency, encourage network investment and competition, and reduce its switched access rates.”⁶ SureWest also asserts that conversion will not impact Connect America Fund ICC support funding or universal service support funding in general.⁷

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before the dates indicated above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹ See SureWest Telephone Petition for Conversion to Price Cap Regulation and for Limited Waiver Relief, WC Docket No. 13-71, at 1 (filed Mar. 11, 2013).

² *Id.* at 1-2.

³ *Id.* at 2.

⁴ *Id.* at 10-13.

⁵ *Id.* at 13.

⁶ *Id.* at 13.

⁷ *Id.* at 7.

- 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 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.

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).

The proceeding this Notice initiates shall be treated as a "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 this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁸ 47 C.F.R. §§ 1.1200 *et seq.*

For further information, please contact Christopher S. Koves, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or *via* email at Christopher.Koves@fcc.gov.

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