



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CONSOLIDATED'S PETITION FOR WAIVER OF SECTION 61.41(c) OF THE COMMISSION'S RULES

WC Docket No. 15-74

Comment Date: April 29, 2015

Reply Comment Date: May 14, 2015

On March 10, 2015, Consolidated Communications Holdings, Inc. (Consolidated) filed a petition for waiver of section 61.41(c) of the Commission's rules.¹ Section 61.41(c), the price cap "all-or-nothing rule," requires the conversion of rate-of-return carriers to price cap carriers within one year of being acquired by a price cap carrier.² Consolidated, an incumbent local exchange carrier holding company with price cap carrier subsidiaries, states that it acquired control of three companies operating as rate-of-return carriers on October 14, 2014, and requests that it be granted a waiver of the all-or-nothing rule to maintain these subsidiaries as rate-of-return carriers.³ Consolidated asserts that the Commission has granted similar waivers pending the outcome of a rulemaking proceeding that may modify or eliminate the all-or-nothing rule,⁴ and that good cause exists to grant a waiver to Consolidated until the Commission concludes its rulemaking review.⁵

Pursuant to section 1.419 of the Commission's rules, 47 C.F.R. § 1.419, interested parties may file comments and reply comments on or before the respective dates indicated above. Comments and reply comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>
- 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 overnight courier, or by

¹ Petition of Consolidated Communications Holdings, Inc. for Waiver of Section 61.41(c) of the Commission's Rules (filed Mar. 10, 2015) (Petition).

² 47 C.F.R. § 61.41(c).

³ Petition at 2-3.

⁴ *Id.* at 4, 6-7.

⁵ *Id.* at 5-7.

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).

In order to develop a complete record on the issues presented in the waiver petition, this matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ 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.

For additional information, please contact Amy Goodman, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via e-mail at Amy.Goodman@fcc.gov.

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⁶ 47 C.F.R. § 1.1200 *et seq.*