



# PUBLIC NOTICE

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DA 04-3868

## WIRELINE COMPETITION BUREAU INITIATES PROCEEDING TO CONSIDER PETITION TO REDEFINE CERTAIN RURAL TELEPHONE COMPANY SERVICE AREAS IN THE STATE OF MINNESOTA

CC Docket No. 96-45

Release Date: December 8, 2004

The Wireline Competition Bureau (Bureau) provides notice that it is initiating a proceeding to consider a petition filed by RCC Minnesota, Inc. and Wireless Alliance, LLC (collectively, "RCC") requesting Federal Communications Commission agreement with the Minnesota Public Utilities Commission (Minnesota Commission) decision to redefine the service areas of the rural telephone companies, Benton Cooperative Telephone Company and Sherburne County Rural Telephone Company.<sup>1</sup> The Bureau released a Public Notice seeking comment on this petition on September 9, 2004.<sup>2</sup> The comment cycle established by that Public Notice closed on October 7, 2004.<sup>3</sup> Pursuant to section 54.207(c)(3) of the Commission's rules, the Bureau has 90 days from the release date of a Public Notice to initiate a proceeding to consider a petition to redefine the service area of a rural telephone company.<sup>4</sup> This notice constitutes initiation of that proceeding.

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.

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<sup>1</sup>*Petition of RCC Minnesota, Inc. and Wireless Alliance, LLC for Redefinition of Rural Telephone Company Service Areas*, CC Docket No. 96-45, filed September 7, 2004.

<sup>2</sup> *See The Wireline Competition Bureau Seeks Comment on Petition to Redefine Certain Rural Telephone Company Service Areas in the State of Minnesota*, CC Docket No. 96-45, Public Notice, DA 04-2911 (rel. Sept. 9, 2004).

<sup>3</sup> *See id.*

<sup>4</sup> 47 C.F.R. § 54.207(c)(3). If the Commission did not initiate a proceeding within 90 days of the release of the Public Notice, the definition proposed by the Minnesota Public Utilities Commission would be deemed approved by the Commission and would take effect in accordance with state procedures. 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).