



PUBLIC NOTICE

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DA 06-564

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION TO
REDEFINE THE SERVICE AREAS OF CERTAIN RURAL TELEPHONE COMPANIES IN
THE STATE OF SOUTH DAKOTA**

CC Docket No. 96-45

Release Date: March 10, 2006

Comment Date: March 31, 2006

Reply Comment Date: April 14, 2006

The Wireline Competition Bureau seeks comment on a petition filed by the South Dakota Public Utilities Commission (SDPUC) pursuant to section 54.207 of the Commission's rules, requesting the Commission's agreement with its decision to redefine the service areas of rural incumbent local exchange carriers for the purposes of designating Brookings Municipal Utilities d/b/a Swiftel Communications (Swiftel) as an eligible telecommunications carrier (ETC).¹ The SDPUC designated Swiftel as an ETC in portions of its authorized service area in eastern South Dakota.

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 incumbent local exchange 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."²

This is the Public Notice required by section 54.207(c)(2) of the Commission's rules.³ If the Commission initiates a proceeding to consider the Petition, it must do so within 90 days of the release date of this Public Notice, pursuant to our rules.⁴ If the Commission does not act on the Petition by

¹ *Petition for FCC Agreement in Redefining the Service Areas of Rural Telephone Companies in the State of South Dakota Pursuant to 47 C.F.R. Section 54.207(c)*, CC Docket No. 96-45, filed February 28, 2006.

² 47 C.F.R. § 54.207(b); *see also* 47 U.S.C. § 214(e)(5).

³ 47 C.F.R. § 54.207(c)(2).

⁴ 47 C.F.R. § 54.207(c)(3).

June 8, 2006, the definition proposed by the SDPUC will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁵

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 **March 31, 2006**, and reply comments on or before **April 14, 2006**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁶

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.⁷ 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." 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, Vistrionix Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 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, S.W., Washington, DC 20554.

The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. To request this document in an accessible format 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).

⁵ 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 Chief of the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

⁷ Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.

Parties must also send a courtesy copy of their filing to Makysa Moton, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. Ms. Moton's email address is Makysa.Moton@fcc.gov; her telephone number is (202) 418-7404.

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 Alexander Minard, Telecommunications Access Policy Division, Wireline Competition Bureau, Alexander.Minard@fcc.gov, (202) 418-7400, (202) 418-0484 (TTY).