



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 07-1848

**COMMENT INVITED ON THE PETITION OF ALENCO COMMUNICATIONS,  
INC., ET AL., FOR A DECLARATORY RULING AND FOR PREEMPTION  
OF AN ORDER BY THE PUBLIC UTILITY COMMISSION OF TEXAS**

**CC Docket No. 96-45**

**Release Date: April 25, 2007**

**Comment Date: May 25, 2007**

**Reply Comment Date: June 11, 2007**

Interested parties are invited to comment on the petition filed by Alenco Communications, Inc., *et al.*, seeking a declaratory ruling that customer equipment used in connection with fixed or mobile satellite service is not within the definition of “facilities” as used in section 214(e) of the Communications Act of 1934, as amended.<sup>1</sup> Petitioners also seek preemption of an order by the Public Utility Commission of Texas designating DialToneServices, L.P. as an eligible telecommunications carrier for purposes of receiving high-cost universal service support.<sup>2</sup>

Interested parties may file **comments on or before May 25, 2007**, and **reply comments on or before June 11, 2007**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>3</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, 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, in this case, **CC Docket No. 96-45**. 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](mailto: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 response.

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<sup>1</sup> See Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc., Texas Statewide Telephone Cooperative, Inc., and Texas Telephone Association for Declaratory Ruling and for Preemption, CC Docket No. 96-45 (filed Mar. 5, 2007).

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

<sup>3</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Paper 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). 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. **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 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, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300, fax: (202) 488-5563;
- (2) Jennifer McKee, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A441, Washington, D.C. 20554; e-mail: [jennifer.mckee@fcc.gov](mailto:jennifer.mckee@fcc.gov); and
- (3) Toni Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: [antoinette.stevens@fcc.gov](mailto:antoinette.stevens@fcc.gov).

Filings and comments are also 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, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563.

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 matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>4</sup> Persons making oral *ex parte* presentations are reminded that memoranda

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<sup>4</sup> 47 C.F.R. §§ 1.1200 *et seq.*

summarizing the presentations must contain summaries of the substance of the presentation 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>5</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>6</sup>

For further information, please contact Jennifer McKee, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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<sup>5</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>6</sup> 47 C.F.R. § 1.1206(b).