



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 12-852
Released: May 31, 2012

WIRELINE COMPETITION BUREAU REMINDS PARTIES OF DEADLINES FOR FILING AND COMMENTING ON APPLICATIONS FOR REVIEW OF THE *HCLS BENCHMARKS ORDER*

WC Docket Nos. 10-90, 05-337

On April 25, 2012, the Wireline Competition Bureau issued the *HCLS Benchmarks Order* in which the Bureau adopted a methodology that establishes reasonable limits on recovery of capital costs and operating expenses for high-cost loop support (HCLS).¹ Several parties have filed applications for review of the *HCLS Benchmarks Order*. Accordingly, the Bureau takes this opportunity to remind parties of the deadlines for filing and commenting on applications for review.

Applications for review of action taken pursuant to delegated authority must be filed within 30 days of public notice of such action.² For all documents (or summaries of documents) in notice and comment proceedings that are required to be published in the Federal Register, which includes the *HCLS Benchmarks Order*, public notice is defined as the date of Federal Register publication of the document (or summary).³ A summary of the *HCLS Benchmarks Order* was published in the Federal Register on May 23, 2012.⁴ Accordingly, applications for review are due no later than **June 22, 2012**. Pursuant to section 1.115 of the Commission's rules, oppositions to an application for review shall be filed within 15 days after the application for review is filed, and replies to oppositions shall be filed within 10 days after the opposition is filed.⁵

On May 25, 2012, four parties filed applications for review of the Bureau's *HCLS Benchmarks Order*: (1) National Exchange Carrier Association, Inc., National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications

¹ *Connect America Fund*, et al., WC Docket No. 10-90, et al., Order, DA 12-646 (Wireline Comp. Bur. rel. Apr. 25, 2012) (*HCLS Benchmarks Order*).

² 47 C.F.R. § 1.115(d).

³ 47 C.F.R. § 1.4(b)(1).

⁴ 77 FR 30411 (May 23, 2012).

⁵ 47 C.F.R. § 1.115(d).

Companies, and Western Telecommunications Alliance (together, the “Rural Associations”)⁶; (2) Central Texas Telephone Cooperative, Inc.⁷; (3) Accipiter Communications, Inc.⁸; and (4) East Ascension Telephone Company, LLC.⁹ Accordingly, oppositions to these applications for review will be due by **June 11, 2012**, and replies to oppositions to these applications for review will be due by **June 21, 2012**.¹⁰

In addition, on May 30, 2012, two parties filed applications for review: (1) Silver Star Telephone Company, Inc.¹¹; and (2) Blooston Rural Broadband Carriers.¹² Accordingly, oppositions to these applications for review will be due by **June 14, 2012**, and replies to oppositions to these applications for review will be due by **June 25, 2012**.¹³

Because applications for review may be filed until June 22, 2012, action will not be taken on the pending applications for review until after June 22, 2012 or until after the comment cycle closes on the last application for review that is timely filed, whichever is later.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. 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).

- 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.

⁶ Application for Review of National Exchange Carrier Association, Inc., National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, and Western Telecommunications Alliance, WC Docket Nos. 10-90, 05-337 (filed May 25, 2012).

⁷ Application for Review of Central Texas Telephone Cooperative, Inc., WC Docket Nos. 10-90, 05-337 (filed May 25, 2012).

⁸ Application for Review of Accipiter Communications, Inc., WC Docket Nos. 10-90, 05-337 (filed May 25, 2012).

⁹ EATEL Application for Review of Action Taken Pursuant to Delegated Authority, WC Docket Nos. 10-90, 05-337 (filed May 25, 2012).

¹⁰ Because the 15th day falls on a Saturday (June 9, 2012), oppositions are due the following Monday (June 11, 2012). 47 C.F.R. § 1.4(j).

¹¹ Application for Review of Silver Star Telephone Company, Inc., WC Docket Nos. 10-90, 05-337 (filed May 30, 2012).

¹² Application for Review of Blooston Rural Broadband Carriers, WC Docket Nos. 10-90, 05-337 (filed May 30, 2012).

¹³ Because the 10th day falls on a Sunday (June 24, 2012), replies to oppositions are due the following Monday (June 25, 2012). 47 C.F.R. § 1.4(j).

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.¹⁴ 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 further information regarding this proceeding, please contact Katie King, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

¹⁴ 47 C.F.R. §§ 1.1200 *et seq.*