



# PUBLIC NOTICE

Federal Communications Commission  
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DA 22-1242

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## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON MINNESOTA INDEPENDENT EQUAL ACCESS CORPORATION'S PETITION FOR FORBEARANCE FROM DOMINANT CARRIER REGULATIONS

WC Docket No. 22-407

**Comments or Oppositions Due: January 6, 2023**

**Reply Comments Due: January 23, 2023**

On November 22, 2022, Minnesota Independent Equal Access Corporation (MIEAC) filed a petition<sup>1</sup> pursuant to section 10 of the Communications Act of 1934, as amended,<sup>2</sup> requesting that the Commission “forbear[] from dominant carrier regulation, including tariffing and pricing regulation and procedural requirements specific to dominant carrier status, of MIEAC with respect to its centralized equal access (‘CEA’) service.”<sup>3</sup> MIEAC seeks forbearance from application of the following statutory provisions and regulations:

- 47 U.S.C. § 203, as it relates to dominant carriers;
- 47 U.S.C. § 214, as it relates to dominant carriers;
- 47 CFR Part 61, Subpart E, setting forth general rules for dominant carriers;
- 47 CFR § 61.58, to the extent it provides notice requirements for tariff publications by dominant carriers;
- 47 CFR § 63.03, to the extent it limits dominant carrier eligibility for presumptive streamlined treatment for transfers of control;
- 47 CFR § 63.71, to the extent it provides discontinuance rules specific to domestic dominant carriers; and
- 47 CFR § 43.43, requiring dominant carrier reports of proposed changes in depreciation rates.<sup>4</sup>

Interested parties may file comments or oppositions to the Petition on or before **January 6, 2023** and reply comments on or before **January 23, 2023**. Comments or oppositions, and replies thereto, should reference **WC Docket No. 22-407** and may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121

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<sup>1</sup> Petition of Minnesota Independent Equal Access Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) from Regulation as a Dominant Carrier, WC Docket No. 22-407 (filed Nov. 22, 2022) (Petition).

<sup>2</sup> See 47 U.S.C. § 160.

<sup>3</sup> Petition at 1.

<sup>4</sup> See *id.* at Appx. A.

(1998). Parties should also clearly identify in the table of contents and/or opening summary of their comments, opposition, and/or reply comments which of the regulatory provisions their comments address.<sup>5</sup> For example, if a party files comments relating to section 214 obligations, the caption should reference WC Docket No. 22-407, and the table of contents and/or opening summary should clearly state that the comments respond to “Section 214.”

Electronic Filers: Comments, oppositions, and replies may be filed electronically using the Internet by accessing the ECFS: <https://www.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 commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.<sup>6</sup> All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

*Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>7</sup> 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

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<sup>5</sup> Parties filing brief comments that do not contain a table of contents or opening summary may identify the regulatory provisions their comments are addressing in their opening paragraph.

<sup>6</sup> Due to the COVID-19 pandemic, the Commission closed its hand-delivery filing location at FCC Headquarters effective March 19, 2020. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing, Public Notice*, DA 20-304, 35 FCC Rcd 2788 (2020). As a result, hand or messenger delivered filings in response to this Public Notice will not be accepted. Parties are encouraged to take full advantage of the Commission’s various electronic filing systems for filing applicable documents. Except when the filer requests that materials be withheld from public inspection, any document may be submitted electronically through the Commission’s ECFS. See 47 CFR § 1.49(f)(3). Persons that need to submit confidential filings to the Commission should follow the instructions provided in the Commission’s March 31, 2020 public notice regarding the procedures for submission of confidential materials. See *FCC Provides Further Instructions Regarding Submission of Confidential Materials, Public Notice*, DA 20-361, 35 FCC Rcd 2973 (2020).

<sup>7</sup> 47 CFR §§ 1.1200 *et seq.*

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, please contact Michele Levy Berlove, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1477 or via e-mail at [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@fcc.gov) and/or David Zesiger, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-2081 or via e-mail at [David.Zesiger@fcc.gov](mailto:David.Zesiger@fcc.gov).

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