



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 22-1305

Released: December 12, 2022

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON JOINT PETITION OF NORTHWEST COMMUNICATIONS COOPERATIVE, INC. AND MIDSTATE TELEPHONE COMPANY, LLC FOR WAIVER OF PART 51 ACCESS CHARGE AND CONNECT AMERICA FUND INTERCARRIER COMPENSATION CALCULATIONS

WC Docket No. 22-434

Comment Date: December 27, 2022

Reply Comment Date: January 6, 2023

The Wireline Competition Bureau seeks comment from interested parties on a petition for waiver of sections 51.909(a), 51.917(b)(1) and 51.917(b)(7) of the Commission's rules filed by Northwest Communications Cooperative, Inc. (NCC) and Midstate Telephone Company, LLC (Midstate).¹ Specifically, NCC and Midstate seek a waiver to modify access rate bands and charges, 2011 Switched Access Revenue Requirement, and 2011 Base Period Revenue in connection with NCC's acquisition of Midstate's study area in North Dakota.²

Filing Requirements. 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 above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Commission's online Electronic Comment Filing System (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.³ All filings must be addressed to the Commission's Secretary, Office of the

¹ Northwest Communications Cooperative, Inc. & Midstate Telephone Company LLC Joint Petition for Waiver of Sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) of the Commission's Rules to Modify Access Rate Bands and Charges, and 2011 Base Period Revenue in Connection with Study Area Waivers in North Dakota, WC Docket No. 22-434 (dated Dec. 6, 2022) (Petition).

² See Petition at 1-2. NCC is acquiring Midstate's Study Area SAC 381617 in Portal, North Dakota. *Id.*

³ 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

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Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority) must be sent to 9050 Junction Drive, Annapolis MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- 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 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.⁴ 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.

Additional Information. For further information regarding the Public Notice, please contact Irina Asoskov, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-2196 or via email at Irina.Asoskov@fcc.gov.

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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).

⁴ 47 CFR §§ 1.1200 *et seq.*