



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 19-493

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Comment Date: July 1, 2019

Reply Comment Date: July 16, 2019

## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TEXAS CARRIERS' PETITION TO PROHIBIT USE OF E-RATE FUNDS TO BUILD FIBER NETWORKS IN AREAS WHERE FIBER NETWORKS ALREADY EXIST

RM-11841; CC Docket No. 02-6; WC Docket No. 13-184

By this Public Notice, the Wireline Competition Bureau (WCB) seeks comment on a Petition for Rulemaking filed by Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc., and Totelcom Communications, LLC (collectively, Petitioners).<sup>1</sup> In their petition, the Petitioners “urge the Commission to initiate a rulemaking proceeding to consider amending Part 54 of the Commission Rules, specifically with respect to the Universal Service Fund (“USF”) Schools and Libraries Program (“E-Rate”) competitive bidding requirements, to include safeguards which would discourage overbuilding of existing federally supported fiber networks.”<sup>2</sup> In particular, the Petitioners urge the Commission to “adopt rules that prohibit the use of universal service funds for special construction of fiber networks that overbuild existing fiber networks.”<sup>3</sup>

Interested parties may file comments and reply comments on or before the respective dates above. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing 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 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 12<sup>th</sup> 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.

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<sup>1</sup> Petition for Rulemaking of Central Texas Telephone Cooperative, Inc. *et al.*, RM-11841; CC Docket No. 02-6; WC Docket No. 13-184 (filed May 22, 2019), <https://www.fcc.gov/ecfs/filing/10522043215849>.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 4.

- 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 445 12<sup>th</sup> 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 email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

*Permit but Disclose Ex Parte Communications:* The proceeding this petition initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>4</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).<sup>5</sup> 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.<sup>6</sup> 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).<sup>7</sup> 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).<sup>8</sup> Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Stephanie Minnock, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-1953 or [Stephanie.Minnock@fcc.gov](mailto:Stephanie.Minnock@fcc.gov).

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<sup>4</sup> 47 CFR § 1.1206.

<sup>5</sup> *Id.* § 1.1206(b)(2)(iii).

<sup>6</sup> *Id.* § 1.1206(b)(1).

<sup>7</sup> *Id.* § 1.1206(b)(2).

<sup>8</sup> *Id.* § 1.1206(b)(2)(ii); *see also id.* § 1.49(f).