



# PUBLIC NOTICE

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

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DA 19-930

Released: September 19, 2019

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CONSOLIDATED  
COMMUNICATIONS OF PENNSYLVANIA'S AND CONSOLIDATED COMMUNICATIONS  
OF MAINE'S PETITION FOR WAIVER OF COMMISSION'S "ALL-OR-NOTHING" RULE**

**WC Docket No. 19-275**

**Comment Date: October 4, 2019**

**Reply Comment Date: October 21, 2019**

By this Public Notice, the Wireline Competition Bureau seeks comment on a waiver petition filed on September 11, 2019 by Consolidated Communications of Pennsylvania Company, Inc. (CCPA) and Consolidated Communications of Maine Company, Inc. (CCMC) (collectively, Petitioners).<sup>1</sup> Petitioners, both price-cap incumbent local exchange carriers, are wholly-owned subsidiaries of Consolidated Communications, Inc (CCI). Petitioners each merged with rate-of-return subsidiaries of CCI, and they now seek a waiver of section 61.41(c)(2) of the Commission's rules—the "all-or-nothing" rule—which requires rate-of-return carriers merged with price cap carriers to convert to price cap regulation within one year of the merger's effective date.<sup>2</sup> Petitioners also request waiver of parts 51 (subpart J), 54, 61, and 69 of the Commission's rules, to the extent described in their Petition, which they assert will facilitate the section 61.41(c)(2) waiver, and will serve the public interest.<sup>3</sup>

*Filing Requirements.* Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.<sup>4</sup> All filings must refer to WC Docket No. 19-275.<sup>5</sup> Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>6</sup>

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<sup>1</sup> Consolidated Communications of Pennsylvania Company, Inc.; Consolidated Communications of Maine Company, Inc.; Petition for Waiver of Section 61.41(c)(2) Of the Commission's Rules, and Such Other Relief as May Be Necessary, To Preserve Bifurcated Regulation Following the Merger of Marianna and Scenery Hill Telephone Company and Bentleyville Communications Corporation With and Into Consolidated Communications of Pennsylvania Company, Inc., and the Merger of Community Service Telephone Company With and Into Consolidated Communications of Maine Company, Inc., WC Docket No. 19-275 (filed Sept. 11, 2019) (Petition).

<sup>2</sup> Petition at 2; *see* 47 CFR § 61.41(c). CCPA merged with average schedule rate-of-return carrier Marianna and Scenery Hill Telephone Company and cost-based rate-of-return carrier Bentleyville Communications Corporation effective May 15, 2019, and CCMC merged with average schedule rate-of-return carrier Community Service Telephone Company effective March 6, 2019. Petition at 1-2, 5.

<sup>3</sup> *See id.* at 22.

<sup>4</sup> *See* 47 CFR §§ 1.2, 1.405, and 1.419.

<sup>5</sup> All filings relating to this Public Notice should refer *only* to the docket listed above.

<sup>6</sup> *See Electronic Filing of 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 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 Street, 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 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

*Ex Parte Rules.* This proceeding 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 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.

*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 and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

*Additional Information.* For further information regarding this Public Notice, please contact Christopher Koves, Attorney Advisor, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-8209 or [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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