



PUBLIC NOTICE

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

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR WAIVER FILED IN THE RURAL CALL COMPLETION PROCEEDING

WC Docket No. 13-39

Comment Date: December 22, 2014
Reply Comment Date: December 31, 2014

The Wireline Competition Bureau seeks comment on a petition filed by Carolina West Wireless, Inc. and its wholly-owned subsidiary, Clear Stream Communications, LLC (collectively, Carolina West), on November 26, 2014,¹ seeking a limited waiver of the recordkeeping, retention, and reporting requirements adopted in the *Rural Call Completion Order*² and modified in the *Rural Call Completion Order on Reconsideration*.³ Specifically, Carolina West seeks a limited waiver of the rule that requires the subscriber lines of its affiliates to be counted toward the determination of whether Carolina West serves fewer than 100,000 subscriber lines.⁴ Carolina West states that if the waiver is granted, it would “fall below the *de minimis* threshold, and would be exempt from the rural call completion data collection and reporting requirements.”⁵ Carolina West contends that none of its affiliates control Carolina West or have any influence over its call routing decisions, and that their subscriber lines should therefore not be tallied toward Carolina West’s total number of domestic retail subscriber lines.⁶ Carolina West seeks this waiver pursuant to sections 1.3 and 1.925(b)(3) of the Commission’s rules.⁷

¹ Carolina West Wireless, Inc. and Clear Stream Communications, LLC Petition for Waiver, WC Docket No. 13-39 (filed Nov. 26, 2014) (Carolina West Petition), <http://apps.fcc.gov/ecfs/document/view?id=60000988637>.

² *Rural Call Completion*, WC Docket No. 13-39, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 16154 (2013) (*Rural Call Completion Order*).

³ *Rural Call Completion*, WC Docket No. 13-39, Order on Reconsideration, FCC 14-175 (rel. Nov. 13, 2014) (*Rural Call Completion Recon Order*).

⁴ See 47 C.F.R. § 64.2101(c) (stating that the threshold of 100,000 domestic retail subscriber lines includes “the total of all business and residential fixed subscriber lines and mobile phones and aggregated over *all of the providers’ affiliates*”) (emphasis added); Carolina West Petition at 4.

⁵ Carolina West Petition at 4.

⁶ *Id.* at 1.

⁷ *Id.*; see also 47 C.F.R. § 1.3 (stating that the Commission may waive its rules, in whole or in part, for good cause shown); 47 C.F.R. § 1.925(b)(3) (stating, among other things, that the Commission may grant a request for waiver where the underlying purpose of the rule(s) would be frustrated by application to the instant case or where a grant of the requested waiver would be in the public interest).

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.

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).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. 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, please contact John Visclosky, Competition Policy Division, Wireline Competition Bureau at (202) 418-0825 or John.Visclosky@fcc.gov.

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