

FCC MAIL ROOM

PUBLIC NOTICE

2000 OCT 17 A 10: 21



FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 00-2327

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> ftp.fcc.gov

**COMMON CARRIER BUREAU SEEKS COMMENT
ON WESTERN WIRELESS' SUPPLEMENTAL FILING
RELATING TO ITS PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER ON THE CROW RESERVATION IN
MONTANA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: October 13, 2000

Comment Date: 30 days after publication in the Federal Register

Reply Comment Date: 45 days after publication in the Federal Register

On August 4, 1999, Western Wireless filed with the Commission a petition under section 214(e)(6) seeking a designation of eligibility to receive federal universal service support for a service area comprised of the Crow Reservation in Montana.¹ Specifically, Western Wireless contends that telecommunications service offered on the Crow Reservation is not subject to the jurisdiction of the state commission. On September 10, 1999, the Common Carrier Bureau released a Public Notice seeking comment on Western Wireless' petition for designation as an eligible telecommunications carrier (ETC).² In response, the Montana Commission filed comments asking this Commission to dismiss the petition and allow the Montana Commission to consider the designation request.³

In the *Twelfth Report and Order*, this Commission concluded that it would resolve the threshold question of whether Western Wireless is subject to the jurisdiction of the Montana Commission for purposes of determining eligibility for federal support for services

¹ See *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Universal Service to the Crow Reservation in Montana*, filed August 4, 1999.

² *Western Wireless Corporation Petitions for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Services Eligible for Universal Service Support to Crow Reservation, Montana*, Public Notice, CC Docket No. 96-45, DA 99-1847 (rel. Sept. 10, 1999).

³ Montana Commission comments at 2-3 (noting that it has designated other carriers serving tribal lands in Montana, including the Crow Reservation).

provided on the Crow Reservation.⁴ To permit Western Wireless a fair opportunity to present its case consistent with the guidance provided in the *Twelfth Report and Order*, the Commission allowed Western Wireless an opportunity to supplement its claim that the Montana Commission lacks jurisdiction to make the eligibility designations for service provided on the Crow Reservation.⁵

On October 2, 2000, Western Wireless filed a Jurisdictional Supplement in response to the Commission's directive in the *Twelfth Report and Order* to support its contention that the state commission does not have jurisdiction to designate Western Wireless as an eligible telecommunications carrier on the Crow Reservation.⁶ Consistent with the procedures outlined in the *Twelfth Report and Order*, the Montana Commission and any other interested party shall have 30 days after publication of this Public Notice in the Federal Register to respond to Western Wireless' original petition and supplemental filing. Interested parties will then have 15 days to file reply comments. The Commission will send a copy of this Public Notice, by overnight express mail, to the Montana Commission. The Commission will also publish this Public Notice in the Federal Register. To ensure that all interested parties are aware of the comment dates, the Common Carrier Bureau will issue a Public Notice following Federal Register publication specifying the exact comment and reply comment dates.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments as follows: comments are due **30 days after publication of the Public Notice in the Federal Register**, and reply comments are due **45 days after publication of the Public Notice in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form

⁴ *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC 00-208 (rel. June 30, 2000) (*Twelfth Report and Order*).

⁵ *Twelfth Report and Order* at para. 140.

⁶ See *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Universal Service to the Crow Reservation in Montana*, Jurisdictional Supplement, filed Oct. 2, 2000.

<your e-mail address." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Richard D. Smith, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.