

# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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## BLACKDUCK TELEPHONE COMPANY AND ARVIG TELEPHONE COMPANY SEEK A WAIVER OF SECTION 54.305 AND THE DEFINITION OF "STUDY AREA" IN PART 36 OF THE COMMISSION'S RULES

### PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45 )

Release Date: March 8, 2001

Comment Date: March 28, 2001

Reply Comment Date: April 9, 2001

On February 6, 2001, Blackduck Telephone Company (Blackduck) and Arvig Telephone Company (Arvig) filed a joint petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules. That definition constitutes a rule freezing all study area boundaries. Blackduck is acquiring from Arvig one telephone exchange serving approximately 116 access lines in Minnesota (the Ash River exchange). By this waiver, Arvig seeks to alter its Minnesota study area in order to remove the Ash River telephone exchange being transferred to Blackduck. Blackduck seeks a waiver of the study area freeze to combine the acquired exchange with its existing Minnesota study area. The petitioners submitted an order from the Minnesota Public Utilities Commission indicating that it has no objection to the issuance of a study area waiver associated with Blackduck's acquisition of the Ash River telephone exchange.

In addition, the petitioners seek waiver of section 54.305 of the Commission's rules, 47 C.F.R. § 54.305. Section 54.305 provides that a carrier acquiring exchanges from an unaffiliated carrier shall receive the same per-line levels of high-cost universal service support for which the acquired exchanges were eligible prior to their transfer.

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 on or before **March 28, 2001**, and reply comments on or before **April 9, 2001**. 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](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <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. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. 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-A422, 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 Adrian Wright, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.