PUBLIC NOTICE

Federal Communications Commission
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ALLBAND COMMUNICATIONS COOPERATIVE PETITION FOR WAIVER OF SECTIONS 69.2(hh) AND 69.601 OF THE COMMISSIONS RULES

PLEADING CYCLE ESTABLISHED

WC Docket No. 05-174

COMMENTS: May 19, 2005
REPLY COMMENTS: June 2, 2005

By this Public Notice, we seek comment on a petition filed on April 7, 2005 by Allband Communications Cooperative (Allband) requesting waiver of Sections 69.2(hh) and 69.601 of the Commission's rules. Allband intends to provide local exchange service to a proposed exchange located in portions of Alcona, Alpena, Montmorency and Oscoda counties, Michigan. In December 2004, the Michigan Public Service Corporation granted Allband a license to provide basic local exchange service in the proposed exchange. Allband states that the proposed exchange area does not have any local exchange service and has never been included in the local exchange service area or study area of Verizon, the adjacent incumbent local exchange carrier. Allband states that it is unable to join the National Exchange Carrier Association (NECA) and participate in NECA tariffs and pools because it does not meet the definition of incumbent local exchange carrier contained in Section 251(h)(1) of the Act. Allband further states that the requested waiver would allow it to join NECA and participate in NECA tariffs and pools.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before May 18, 2005 and reply comments on or before June 1, 2005. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.[1] 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. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **WC Docket No. 05-174**. Parties may also submit an electronic comment by Internet e-mail. To get 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 <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. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

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[1] *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

-The filing hours at this location are 8:00 a.m. to 7:00 p.m.

-All hand deliveries must be held together with rubber bands or fasteners.

-Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, D.C. 20554. Parties should also send a copy of their filings to Randy Clarke, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A133, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to randy.clarke@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

The petition for waiver and comments filed by participating parties will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[2] Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.[3] Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.[4]

For further information, contact Randy Clarke of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1587.

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[2] 47 C.F.R. § 1.1200 *et seq.*

[3] *See* 47 C.F.R. § 1.1206(b)(2).

[4] 47 C.F.R. § 1.1206(b).