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DA 10-1754
Released: September 16, 2010

APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF FIBERNET FROM ONE COMMUNICATIONS CORP. TO NTELOS INC.

PLEADING CYCLE ESTABLISHED

WC Docket No. 10-158

Comment Date: October 18, 2010
Reply Comment Date: November 2, 2010

On August 2, 2010, One Communications Corp. (One Communications), FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, FiberNet of Ohio, LLC (together, FiberNet) and NTELOS Inc. (NTELOS) (together, with FiberNet, Applicants) filed applications[1] pursuant to section 214 of the Communications Act of 1934, as amended.[2] Applicants seek Commission approval of the transfer of control of FiberNet from One Communications to NTELOS, and a waiver of section 652(b), which prohibits a cable operator or its affiliate from obtaining certain interests in a local exchange carrier that provides service in the cable operator's local franchise area.[3]

One Communications, a Delaware corporation, is a holding company of operating subsidiaries, including FiberNet. One Communications' operating subsidiaries are common carriers that provide telecommunications and information services to enterprise customers, predominantly in the Northeast, Mid-Atlantic, and Midwest regions. Each of One Communications' subsidiaries operates pursuant to One Communications' international section 214 authority and provides international services solely on a resale basis.[4] The only subsidiaries of One Communications that are included in the proposed transaction are the FiberNet subsidiaries.

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[1] One Communications Corp., FiberNet of Virginia, Inc., FiberNet, L.L.C., FiberNet Telecommunications of Pennsylvania, LLC, and FiberNet of Ohio, LLC and NTELOS Inc. Joint Domestic and International Applications, WC Docket No. 10-158 (filed August 2, 2010) (Application); ITC-T/C-20100802-00314 (filed August 2, 2010). Applicants filed supplements to their applications on August 13, 17, 18, 25 and 26, 2010, and September 10, 2010.

[2] 47 U.S.C. § 214.

[3] 47 U.S.C. § 572(b).

[4] One Communications will retain its international section 214 authority, ITC-214-20040708-00260, post-consummation. Upon consummation of the proposed transaction, FiberNet will provide international services pursuant to NTELOS' international section 214 authorizations, ITC-214-19970710-00390 (Old File No. ITC-97-387), *see also* Public Notice DA 03-3341, rel. Oct. 23, 2003, ITC-ASG-20031002-00479.

FiberNet provides telecommunications services in West Virginia and the surrounding region. FiberNet currently serves nearly 25,000 businesses and 9,000 residential customers with over 100,000 access lines. FiberNet's competitive strategy focuses on building and owning fiber, and it has a long-haul fiber network extending for approximately 3,500 route miles. The network covers all of West Virginia and extends into surrounding areas in Ohio, Maryland, Pennsylvania, Virginia and Kentucky. The FiberNet subsidiaries are each direct, wholly-owned subsidiaries of Mountaineer Telecommunications, LLC (Mountaineer), a West Virginia corporation that functions as a holding company. Mountaineer is a direct, wholly-owned subsidiary of Conversent, a Delaware corporation, which is a direct, wholly-owned subsidiary of One Communications.

NTELOS, a Virginia corporation, provides wireline and wireless communications and information services to consumers and businesses primarily in Virginia and West Virginia. NTELOS' incumbent local exchange carrier (LEC) subsidiaries operate approximately 37,075 rural access lines, provide DSL service with 6 Mbps speed in over 98 percent of their service area, and pass approximately 10,100 homes with fiber, offering those customers broadband speeds of up to 20 Mbps.

NTELOS Telephone Inc. provides local and long distance services as a rural incumbent LEC in the Cities of Waynesboro and Covington and portions of Augusta and Alleghany counties in Virginia. NTELOS Telephone is a direct, wholly-owned subsidiary of NTELOS Communications Inc., which in turn is a wholly-owned subsidiary of NTELOS. Roanoke and Botetourt Telephone Company (RBTC) provides local and long distance services as a rural incumbent LEC in Botetourt County, Virginia, including in the towns of Troutville, Daleville and Fincastle, Virginia. RBTC is a direct, wholly-owned subsidiary of R&B Communications, Inc., which is in turn a wholly-owned subsidiary of NTELOS.

NTELOS has approximately 49,700 competitive LEC lines across 31 markets in western Virginia and West Virginia, central and western Pennsylvania and portions of Maryland.[5] Applicants state that virtually all of these lines serve business customers. NTELOS utilizes a 4,800 route mile fiber optic network, which is used to: backhaul communications traffic for retail services; serve as a carrier's carrier network; and provide transport services to third parties for long distance, Internet, wireless and private network services. NTELOS provides international services to its customers purely through the resale of the international service offerings of underlying interexchange carriers.

NTELOS holds PCS licenses to operate in 29 basic trading areas (BTAs) in Virginia and West Virginia with a total population of approximately 8.8 million. NTELOS also holds seven Advanced Wireless Services licenses in western Virginia, building out its network in 20 of its BTAs and covering

[5] NTELOS Network Inc. (NTELOS Network), a direct, wholly-owned subsidiary of NTELOS, is a competitive LEC providing local and long distance services in Virginia. NTELOS Network holds section 214 authority to provide international services on a resale basis. NA Communications Inc. (NA Communications) is a competitive LEC providing local and long distance services in Virginia. NA Communications is a direct, wholly-owned subsidiary of NTELOS Netaccess Inc., which in turn is a direct, wholly-owned subsidiary of NTELOS. NTELOS of West Virginia (NTELOS West Virginia) is a competitive LEC providing local, long distance and other services in West Virginia. NTELOS West Virginia is a direct, wholly-owned subsidiary of NTELOS Communications. R&B Network, Inc. (R&B Network) is a competitive LEC providing local and long distance services in Virginia. R&B Network holds section 214 authority to provide international services on a resale basis. R&B Network is a direct, wholly-owned subsidiary of R&B Communications, Inc., which is a wholly-owned subsidiary of NTELOS.

over 5.5 million POPs. NTELOS serves approximately 440,000 retail wireless subscribers representing approximately 8 percent penetration of NTELOS' total covered population.

Quadrangle Group LLC (Quadrangle), a private investment firm, and its affiliated entities (all U.S. organized entities) collectively hold a 27.4 percent indirect voting and equity interest in NTELOS. Quadrangle's current investments also include the following: Suddenlink, a cable operator providing service in 16 states, including Virginia and West Virginia (16.64 percent interest);[6] Hargray Communications Group, a telecommunications provider serving southeastern South Carolina and northeastern Georgia; and Bresnan Broadband Holdings LLC, a cable service provider operating in Colorado, Montana, Utah, and Wyoming. Quadrangle GP Investors LP (and its parent GP Investors LLC) holds an aggregate indirect interest of 13.9 percent in NTELOS. The managing members of Quadrangle GP Investors LLC are Peter Ezersky, Michael Huber and Joshua Steiner, all of whom are U.S. citizens. Quadrangle GP Investors LLC is the general partner of Quadrangle GP Investors LP, which is in turn the general partner of Quadrangle Capital Partners LP, Quadrangle capital Partners-A LP, and Quadrangle Select Partners LP (together, the Quadrangle I Funds). The Quadrangle I Funds together directly own an estimated 13.9 percent of NTELOS Holdings, and thus, 13.9 percent of NTELOS. No single fund holds more than a 10 percent interest of NTELOS.

Quadrangle GP Investors II LP (and its parent QCP GP Investors II LLC) holds an aggregate indirect interest of 13.5 percent in NTELOS. The managing members of QCP GP Investors II LLC, all U.S. citizens, are Peter Ezersky, Andrew Frey, Michael Huber, Edward Sippel and Joshua Steiner. Although QCP GP Investors II LLC and Quadrangle GP Investors LLC share the same managing members, the assets and business of each LLC are completely separate. QCP GP Investors II LLC is the general partner of Quadrangle GP Investors II LP, which is in turn the general partner of Quadrangle (AIV2) Capital Partners II LP, Quadrangle Capital Partners II-A LP and Quadrangle (AIV2) Select Partners II LP (together, Quadrangle II Funds). The Quadrangle II Funds together, as managing members, directly own an estimated 13.5 percent of NTELOS. Only Quadrangle (AIV2) Capital Partners II LP holds more than 10 percent of NTELOS.

Michael Huber, a Managing Principal of Quadrangle and a member of the Board of Directors of Cebridge, is also Chairman of the Board of Directors of NTELOS. Quadrangle also is represented on the Board of Directors of an entity that controls Suddenlink by Amanda Siegal, who is a Principal of

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[6] Cequel Communications, LLC, doing business as Suddenlink Communications, is a wholly owned indirect subsidiary of Cequel Communications Holdings I, LLC (Cequel). Cequel is a wholly owned subsidiary of Cequel Communications Holdings, LLC (Cequel Holdings). Suddenlink ultimately acts solely at the direction of the Board of Directors of Cequel Holdings, which is an indirect subsidiary of Cebridge Connections Holdings, LLC (Cebridge). The Quadrangle Entities own 15,000,000 common units in Cebridge, representing a 16.64% interest in Suddenlink. Of these units, 13,129,688 common units (or 14.54% of Suddenlink) are beneficially owned by Quadrangle Capital Partners II LP; 352,242 common units (or 0.4% of Suddenlink) are beneficially owned by Quadrangle Select Partners II LP; and 1,518,070 common units (or 1.7% of Suddenlink) are beneficially owned by Quadrangle Capital Partners II-A LP. As mentioned above, QCP GP Investors II LLC is the general partner of Quadgrangle GP Investors II LP, which is the general partner of each of the Quadrangle Entities. The managing members of QCP GP Investors II LLC have voting and investment power with respect to the securities held by the Quadrangle Entities. QCP GP Investors II LLC and its managing members disclaim beneficial ownership of the common units that are beneficially owned by the Quadrangle Entities. All Quadrangle Entities with ownership interest in Cebridge are organized under U.S. law.

Quadrangle and a member of the Board of Directors of Cequel Holdings. Quadrangle also is represented on the Board of Directors of NTELOS by Daniel Fine, a Vice President of Quadrangle.[7]

On July 19, 2010, NTELOS, Conversant and One Communications entered into a purchase agreement (Agreement) by which NTELOS will purchase all of the membership interest of Mountaineer, the parent company of FiberNet, from Conversant at closing. NTELOS' interest in Mountaineer will be held by a new direct, wholly-owned subsidiary of NTELOS, NTELOS FiberNet Inc. (NTELOS FiberNet). As a result of the proposed transaction, NTELOS will become the new ultimate parent company of FiberNet. One Communications will remain the parent company of Conversant and all other One Communications operating subsidiaries.

Applicants state that the proposed transaction will be transparent to customers. Applicants affirm that, immediately following closing, FiberNet will continue to offer to their customers the same services at the same rates, terms and conditions pursuant to existing tariffs, contracts, and published rates and charges. Applicants maintain that the only change will be that the FiberNet subsidiaries will be under the control of NTELOS.

LOCAL FRANCHISING AUTHORITY APPROVAL

The Applicants request a waiver of the restrictions of section 652(b) of the Communications Act.[8] Section 652(b) prohibits cable operators and their affiliates from acquiring "directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area."[9] As described below, section 652(b) is applicable to this transaction because of Quadrangle's holdings in both NTELOS and Suddenlink. Section 652(d)(6) authorizes the Commission to waive section 652(b) if, in relevant part: (1) "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served" and (2) the relevant local franchising authorities (LFAs) approve of such waiver.[10]

The Applicants claim the proposed transaction satisfies the public interest prong of section 652(d)(6).[11] In particular, the Applicants argue that the proposed transaction has "no anticompetitive effects", because the proposed transaction does not present the potential public interest harm section 652(d) is intended to address.[12] Applicants argue that the purpose of section 652 is to promote facilities-

[7] NTELOS has a total of 8 board members. Cequel Holdings, which controls Suddenlink, has 11 members on its Board of Directors.

[8] *See* Application at 12–18.

[9] 47 U.S.C. § 572(b). Section 652(a) places a converse prohibition on local exchange carriers and their affiliates. 47 U.S.C. § 572(a). In addition, section 652 prohibits cable operators and LECs from entering "into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services" in the overlap area of the providers' cable franchise area and telephone service area, respectively. 47 U.S.C. § 572(c). Section 652 is implemented in the Commission's rules at 47 C.F.R. § 76.505.

[10] 47 U.S.C. § 572(d)(6)(A)(iii) & (B).

[11] 47 U.S.C. § 572(d)(6)(A)(iii).

[12] Application at 13.

based competition in the provision of voice and video services, and acknowledge that the acquisition of a local exchange carrier by a cable operator potentially decreases such facilities-based competition.[13] Applicants assert that the proposed transaction does not diminish facilities-based competition between cable operators and telecommunications carriers because the transaction does not involve the acquisition of a local exchange carrier by a cable operator.[14] Applicants acknowledge that NTELOS and Suddenlink are considered affiliated for the purposes of section 652; however, they argue that the lack of a controlling nexus between the two entities precludes consideration of them as "stand-ins" for one another.[15] Applicants maintain that NTELOS and Suddenlink are separate and distinct entities with different ownership, mission, management, facilities, operations, and services.[16] Indeed, Applicants claim that the two entities view each other as competitors that share nothing more than a common investor, Quadrangle.[17] Further, Applicants argue that Quadrangle does not serve as a "stand in" for Suddenlink. Applicants argue that Quadrangle is merely an investor in NTELOS and Suddenlink and does not control either entity.[18] According to the Applicants, both entities have other significant minority shareholders that can reasonably be expected to object to any attempt by Quadrangle to favor the other or engage in anticompetitive behavior.[19] Applicants argue that, given the non-controlling affiliation between NTELOS and Suddenlink, preventing NTELOS from acquiring FiberNet would only serve to discourage Quadrangle and other investment firms from making much-needed capital available to the telecommunicaitons industry.[20]

Applicants also claim that the transaction will not result in anticompetitive effects, because FiberNet and Suddenlink have focused their voice services on different market segments and for the most part do not compete with each other."[21] Applicants state that enterprise customers account for over 91 percent of the company's revenue.[22] In contrast, Applicants claim that mass market customers are Suddenlink's primary customer class.[23]

Applicants argue that any potential harms that might arise from the transaction are outweighed by its potential benefits because the transaction will help meet "the convenience and needs of the community

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[13] *Id.*

[14] *Id.* at 14.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] Applicants state that Quadrangle has held ownership interests in NTELOS since 2005 and in Suddenlink since 2006 and that "there is no evidence that Quadrangle has ever attempted to leverage these interests to gain a competitive edge for either Suddenlink or NTELOS in any market." *Id.* at 14.

[19] *See id.* at 15, n.7.

[20] *See id.* at 15.

[21] *Id.* at 18.

[22] *Id.*

[23] *Id.*

to be served," as the effect of the transaction would be to: (i) create a more effective and efficient competitor to Suddenlink and (ii) encourage future investment promote future investment in fiber and broadband service deployment.[24]

We seek comment from the public on whether the proposed transaction and present record satisfy the waiver criteria set forth in section 652(d)(6)(A)(iii). If not, is there any additional evidence that might demonstrate whether the section 652(d)(6)(A)(iii) criteria are satisfied?

The Commission may waive the restrictions of subsection 652(b) only if it finds the relevant LFAs approve of such waiver.[25] In the *Comcast/CIMCO* proceeding,[26] the Commission established a particular process for an LFA to express its approval or disapproval of the Commission's possible waiver of the restrictions of section 652(b). In the public notice, the Commission required the Applicants to: (1) serve, within 10 days of the release of the public notice, a copy of the public notice on any LFA in the cable/telco overlap areas that had authority over the cable operator; (2) file with the Commission a certificate of service attesting that the public notice was timely served; and (3) informally advise the relevant LFAs of the public notice and procedures established for notifying the Commission of their approval or disproval.[27]

Applicants contend that complying with the *Comcast/CIMCO* waiver requirements requires that the Applicants "know which LFAs have jurisdiction over the cable operator in the cable/telco overlap areas."[28] Applicants initially argued that because they do not have the required LFA contact information, the Commission should modify the *Comcast/CIMCO* waiver process to permit the Applicants to notify unidentified LFAs via newspaper notifications.[29] On September 10, 2010, Applicants instead proposed to provide the same level of notification to relevant LFAs that was provided for in the *Comcast/CIMCO* waiver process, and submitted a list of the LFAs Applicants believed should be notified.[30] Applicants acknowledge uncertainty regarding the accuracy of this list due to uncertainty regarding the franchise areas where Suddenlink provides service and uncertainty regarding which entities have local franchise authority over Suddenlink.[31]

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[24] *Id* at 15–16, 19–21.

[25] 47 U.S.C. § 572(d)(6)(B).

[26] *See Applications Filed for the Acquisition of Certain Assets of CIMCO Communications, Inc. by Comcast Phone LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC*, WC Docket No. 09-183, Public Notice, 24 FCC Rcd 14815 (Dec. 1, 2010) (*Comcast/CIMCO Notice*); *Applications Filed for the Acquisition of Certain Assets of CIMCO Communications, Inc. by Comcast Phone LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC,* WC Docket No. 09-183, Memorandum Opinion and Order and Order on Reconsideration, 25 FCC Rcd 3404, para. 15 (Mar. 15, 2010).

[27] *See Comcast/CIMCO Notice*, 24 FCC Rcd at 14818–9.

[28] Application at 16.

[29] *See id.* at 17 (*citing* 47 C.F.R. § 73.3580).

[30] *See* Letter from Winafred R. Brantl, Counsel to Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-158, IB File No. ITC-T/C-20100802-00314 (filed Sept. 15, 2010).

[31] *See id.*

Although we recognize that it may be more difficult for an entity that is not the local cable provider to identify the relevant LFAs for purposes of section 652, we disagree with the Applicants that such circumstances warrant a reduction in the amount of notice LFAs should receive of the proposed waiver of the restrictions of section 652(b). Significantly, the statute specifically prohibits cable operator *affiliates* from acquiring a direct or *indirect* ten percent or greater interest in an in-region telecom provider and the statute makes no distinction as to the waiver requirements in such circumstances as compared with a circumstance in which the cable operator itself seeks to acquire a local exchange carrier.[32] It therefore sometimes will be necessary for certain affiliates of entities seeking Commission approval of a proposed transfer of control to cooperate with the Commission and the applicants to help the Commission fulfill its responsibilities under section 652. For example, a cable operator may be the only entity reasonably able to identify all of the franchising areas where it provides service, and might be the only entity reasonably able to provide complete and accurate contact information for the LFAs that must be notified under the Commission's section 652 waiver process. Similarly, a local exchange carrier might be the only entity to have ready access to its own telephone exchange service area, which is necessary to determine where the relevant territories of the local exchange carrier and cable operator overlap. To facilitate the orderly cooperation among affiliates, we have modified how soon LFAs must be served with a copy of this Public Notice as compared to the process adopted in the *Comcast/CIMCO* proceeding. We emphasize that this slight change does not reduce the amount of time LFAs will have to review the proposed transaction after being served before being deemed to have approved of the proposed waiver of the restrictions of section 652(b).

Accordingly, we apply the process set forth below for soliciting responses from the relevant LFAs and for determining whether an LFA "approves of" a Commission waiver of the restrictions of section 652(b).

Local Franchising Authority Approval or Disapproval of a Requested Waiver of the Restrictions of section 652(b). We direct the Applicants to timely serve a copy of this Public Notice on any entity in the overlap areas that currently has local franchising authority over Suddenlink. Service shall be made by a method recognized under the civil rules of the state courts of the appropriate jurisdiction. Within 5 days after all relevant franchising authorities have been served, the Applicants shall file with the Commission a certificate (or certificates) of service attesting that the Public Notice was timely served on each relevant LFA by an appropriate method, and that shows on which dates each LFA was served. In addition, because we anticipate that Applicants will have ongoing communications with the relevant LFAs in the relevant areas, we expect the Applicants to inform the relevant authorities informally of this Public Notice and of the procedures we have established for LFAs to notify the Commission of their approval or disapproval.

To the extent an LFA wishes to express approval or disapproval of the proposed waiver, which we encourage it to do, it should do so by following the filing instructions set forth below. If an LFA fails to inform the Commission of its decision within 60 days after proper service by the Applicants, the Commission will deem that authority to have approved of the proposed waiver of the restrictions of section 652(b). We note that, before filing an approval or disapproval with the Commission, LFAs will have an opportunity to view petitions to deny, comments, and replies that may be filed in this proceeding. These materials will be available online through the Commission's Electronic Comment Filing System (ECFS), as described below. We find that providing LFAs 60 days to file their approval or disapproval—including a minimum of two weeks following the close of the public comment period—provides them adequate time to consider the merits of the proposed waiver.

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[32] *See* 47 U.S.C. §§ 572(b), 572(d)(6).

SECTION 214 AUTHORIZATIONS

The following applications for consent to the transfer of control of section 214 authorizations to NTELOS have been assigned the file numbers listed below.

A. International

File No.	Authorization Holder	Authorization Number
ITC-T/C-20100802-00314	One Communications Corp.	ITC-214-20040708-00260

B. Domestic

Applicants filed an application for consent to transfer control of FiberNet from One Communications to NTELOS. Applicants do not request streamlined treatment. Further, the Applicants seek a waiver of the restrictions of 652(b) of the Communications Act, which involves a notification and response period for LFAs to respond to the waiver request. Accordingly, Applicants' domestic transfer of control application is not subject to streamlined treatment.

EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,[33] the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.[34]

We direct parties making oral *ex parte* presentations to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.[35] More than a one- or two-sentence description of the views and arguments presented is generally required.[36] Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.[37] We urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions.

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[33] 47 C.F.R. § 1.1200(a).

[34] *Id.* § 1.1206.

[35] *See Commission Emphasizes the Public's Responsibilities in Permit-but-Disclose Proceedings*, Public Notice, 15 FCC Rcd 19945 (2000).

[36] *See* 47 C.F.R. § 1.1206(b)(2).

[37] *Id.* § 1.1206(b).

GENERAL INFORMATION

The application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. The Commission will not take final action on this application before 60 days have elapsed following Applicants' filing of a certificate of service attesting that all the relevant LFAs have been served with a copy of this Public Notice.[38]

Interested parties must file comments or petitions to deny no later than **October 18, 2010**. Persons and entities that timely file comments or petitions to deny may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order (subject to the restrictions contained in the protective order) and seeking reconsideration of decisions. Replies or oppositions to comments and petitions must be filed no later than **November 2, 2010.**

LFAs should follow the same directions as other filers when submitting materials to this docket. Expressions of approval or disapproval of the proposed waiver of the restrictions of section 652(b) should be filed no later than 60 days after the Applicants serve the LFA with a copy of this Public Notice.[39] Such expressions of approval or disapproval of the proposed waiver may be in the form of a letter from the LFA to Marlene H. Dortch, Secretary, FCC, or other appropriate format, and filed in this docket according to the instructions below.

All filings concerning matters referenced in this Public Notice should refer to **DA 10-1754** and **WC Docket No. 10-158**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,[40] submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- Electronic Filers:[41] Comments may be filed electronically using the Internet by accessing the ECFS: http://www.fcc.gov/cgb/ecfs/. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

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[38] *See* 47 U.S.C. § 309(b).

[39] *See supra* at 7.

[40] *See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); *see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

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

- Paper Filers: 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

  The Commission's contractor 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. 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com or 202 / 488-5563 (facsimile).

Additionally, filers must deliver courtesy copies by email or facsimile to the following Commission staff:

- Jim Bird, Office of General Counsel, at Jim.Bird@fcc.gov or 202 / 418-2822 (facsimile);

- Diane Griffin Holland, Office of General Counsel, at Diane.Griffin@fcc.gov or 202 / 418-2822 (facsimile);

- Donald Stockdale, Wireline Competition Bureau, at Donald.Stockdale@fcc.gov or 202 / 418-2825 (facsimile);

- Tim Stelzig, Wireline Competition Bureau, at Tim.Stelzig@fcc.gov or 202 / 418-1413 (facsimile);

- Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at Dennis.Johnson@fcc.gov or 202 / 418-1413 (facsimile);

- David Krech, Policy Division, International Bureau, at David.Krech@fcc.gov or 202 / 418-2824 (facsimile).

- Sumita Mukhoty, Policy Division, International Bureaus, at Sumita.Mukhoty@fcc.gov or 202 / 418-2824 (facsimile).

Copies of the Applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at 202 / 488-5300, via facsimile at 202 / 488-5563, or via e-mail at fcc@bcpiweb.com. The Applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Applications also are available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at http://www.fcc.gov.

People with Disabilities: To request this Public Notice in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at 202 / 418-0809; David Krech, Policy Division, International Bureau, at 202 / 418-7443.

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