PUBLIC NOTICE

Federal Communications Commission
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DA 03-1959

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON NPCR, INC. d/b/a NEXTEL PARTNERS PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN CERTAIN RURAL AND NON-RURAL SERVICE AREAS IN THE STATE OF VIRGINIA

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: June 16, 2003

Comments Due: 10 days after publication in the Federal Register
Reply Comments Due: 17 days after publication in the Federal Register

On April 23, 2003, NPCR, Inc. d/b/a Nextel Partners (Nextel Partners) filed with the Commission a petition under section 214(e)(6) of the Communications Act of 1934, as amended,[1] seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in those portions of Nextel Partners' licensed service area located in rural and non-rural areas in Virginia.[2] Nextel Partners contends that the Virginia State Corporation Commission (Virginia Commission) lacks jurisdiction to consider Nextel Partners' petition because wireless carriers are not subject to state jurisdiction in Virginia.[3] Hence, according to Nextel Partners, the Commission has jurisdiction under section

[1] 47 U.S.C. § 214(e)(6).

[2] *See NPCR, Inc. d/b/a Nextel Partners, Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia*, filed April 23, 2003 (Petition). *See also NPCR, Inc. d/b/a Nextel Partners, Amendment to Petition for Designation as an Eligible Telecommunications Carrier*, filed June 10, 2003. Nextel Partners seeks ETC designation for the following 12 rural study areas in Virginia: Amelia Telephone Corp., Citizens Telephone Coop, Ntelos, Inc., North River Telephone Coop, New Hope Telephone Co., Pembroke Telephone Coop, Peoples Mutual Telephone, Roanoke and Botetourt, Shenandoah Telephone Co., Virginia Telephone Co., Verizon South Virginia, and New Castle Telephone Co. Petition at Attachments 1, 3 (as amended). Nextel Partners also seeks ETC designation for certain wire centers in the non-rural study area served by Verizon Virginia, Inc. and Verizon South Virginia (Contel). *Id.*

[3] Petition at 4-5, Attachment 2.

214(e)(6) to consider and grant its petition.[4] Nextel Partners also maintains that it satisfies all the statutory and regulatory prerequisites for ETC designation.[5] The Wireline Competition Bureau seeks comment on the Nextel Partners petition.

The petitioner must provide copies of its petition to the Virginia Commission. The Commission will also send a copy of this Public Notice to the Virginia Commission by overnight express mail to ensure that the Virginia Commission is notified of the notice and comment period.

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 **10 days after publication of the Public Notice in the Federal Register** and reply comments on or before **17 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. 24121 (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, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. 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. 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. 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). The Commission's contractor, Vistronix, 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. 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 sent to the Commission's Secretary, Marlene H. Dortch, Office of the

[4] *Id.* at 4-5.

[5] *Id.* at 2-5.

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, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

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 Andy Firth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-2694, TTY (202) 418-0484, email afirth@fcc.gov.