



PUBLIC NOTICE

Federal Communications Commission
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DA 11-1260
Release Date: July 26, 2011

WIRELINER COMPETITION BUREAU SEEKS COMMENT ON PLAN OF AMERICAN BROADBAND & TELECOMMUNICATIONS FOR CONDITIONS ASSOCIATED WITH FORBEARANCE

WC Docket No. 09-197

Comment Date: August 25, 2011

Reply Comment Date: September 9, 2011

The Wireline Competition Bureau seeks comment on the proposed compliance plan filed by American Broadband & Telecommunications (American Broadband).¹ American Broadband seeks permission from the Federal Communications Commission (Commission) to become a Lifeline-only eligible telecommunications carriers (ETC) and has pending a petition seeking forbearance from the requirement that an ETC provides service, at least in part, over its own facilities.² In granting similar forbearance petitions in the past, the Commission has required carriers to submit for approval a proposed compliance plan demonstrating how the carrier intended to satisfy conditions imposed by the Commission's grant of forbearance for Lifeline-only support.³ In this case, although American Broadband's forbearance petition remains pending, American Broadband separately submitted a proposed compliance plan intended to satisfy conditions imposed by the Commission on other non-facilities based carriers when granting similar forbearance requests.⁴

¹ American Broadband and Telecommunications Compliance Plan, WC Docket No. 09-197 (filed June 30, 2011) (Compliance Plan).

² Petition for Forbearance of American Broadband & Telecommunications, WC Docket No. 09-197, CC Docket No. 96-45 (filed Feb. 25, 2011) (Petition). American Broadband requests forbearance from this requirement as set forth in section 214(e)(1)(A) of the Communications Act of 1934, as amended, as well as in sections 54.201(d)(1) and 54.201(i) of our rules. See Letter from Tamar E. Finn, Counsel, American Broadband & Telecommunications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-197, at 2 (filed Mar. 22, 2011) (American Broadband Appendix); 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. §§ 54.201(d)(1), (i).

³ See *Telecommunications Carriers Eligible for Universal Service Support; Federal-State Joint Board on Universal Service; Head Start Petition for Forbearance; Consumer Cellular Petition for Forbearance; Midwestern Telecommunications Inc. Petition for Forbearance; Line Up, LLC Petition for Forbearance*, WC Docket No. 09-197, CC Docket No. 96-45, Order, 25 FCC Rcd 10510, 10514, para. 6 (2010); *Telecommunications Carriers Eligible for Universal Service Support; Federal-State Joint Board on Universal Service; Conexions Petition for Forbearance*, WC Docket No. 09-197, CC Docket No. 96-45, Order, FCC 10-178 (rel. Oct. 1, 2010); 47 U.S.C. § 214(e).

⁴ Compliance Plan at 1-2.

Interested parties may file **comments on or before August 25, 2011, and reply comments on or before September 9, 2011**. All pleadings are to reference **WC Docket No. 09-197**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. 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 must be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B442, Washington, D.C. 20554; e-mail: divya.shenoy@fcc.gov; and
- (3) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: charles.tyler@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation 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.⁷ Other rules pertaining to oral and written *ex parte*

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

⁷ See 47 C.F.R. § 1.1206(b)(2).

presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁸

For further information, please contact Divya S. Shenoy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁸ 47 C.F.R. § 1.1206(b).