



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR DECLARATORY RULING OR WAIVER OF SECTION 61.50 OF COMMISSION'S RULES FILED BY HILLIARY COMMUNICATIONS LLC

WC Docket Nos. 10-90, 17-144, 24-82

Comments Due: April 15, 2024

Replies Due: April 30, 2024

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on a petition for declaratory ruling or waiver of section 61.50(a) of the Commission's rules filed by Hilliary Communications LLC (Hilliary).<sup>1</sup> Hilliary seeks a declaratory ruling that section 61.50(a) of the Commission's rules and the *Enhanced A-CAM Order* do not compel Oklahoma Western Telephone Company, Inc. and Medicine Park Telephone Company, Inc., local exchange carrier affiliates of Hilliary, to convert their business data service (BDS) offerings from rate-of-return to incentive regulation "merely because they have now become affiliated with [Southwest Oklahoma Telephone Company, Inc. (SWOT)]," a carrier that elected BDS incentive regulation.<sup>2</sup> In the alternative, Hilliary seeks "a waiver of section 61.50(a), so that SWOT may return its BDS to traditional rate-of-return regulation or, at a minimum, to preserve the current 'mixed' regulation *status quo*."<sup>3</sup>

*Filing Requirements.* Interested parties may file comments on or before the dates indicated above.<sup>4</sup> All filings must refer to **WC Docket No. 10-90, 17-144, and 24-82**.

- Electronic Filers: Comments may be filed electronically using the Commission's online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.<sup>5</sup>
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
  - Filings can be sent 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.

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<sup>1</sup> Petition for Declaratory Ruling or Waiver of the Oklahoma Incumbent Local Exchange Carrier Affiliates of Hilliary Communications LLC, WC Docket Nos. 10-90, 17-144, 24-82 (filed Mar. 11, 2024) (Petition).

<sup>2</sup> *Id.* at iii, 1; see 47 CFR § 61.50(a); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 23-60 (July 24, 2023) (*Enhanced A-CAM Order*).

<sup>3</sup> Petition at 1-2.

<sup>4</sup> See 47 CFR §§ 1.415 and 1.419.

<sup>5</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings at its headquarters. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.<sup>6</sup>

*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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be publicly available online via ECFS.<sup>7</sup>

*Ex Parte Rules.* The proceeding is considered a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>8</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Christopher Koves, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-8209 or via email at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov).

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<sup>6</sup> See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

<sup>7</sup> Documents will generally be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

<sup>8</sup> 47 CFR §§ 1.1200 *et seq.*