



PUBLIC NOTICE

Federal Communications Commission
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DA 03-2329

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON NEXTEL PARTNERS OF UPSTATE NEW YORK, INC. d/b/a NEXTEL PARTNERS
PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF NEW YORK**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: July 16, 2003

Comment Date: 10 days from publication in Federal Register

Reply Comment Date: 24 days from publication in Federal Register

On April 3, 2003, Nextel Partners of Upstate New York, Inc. d/b/a Nextel Partners (Nextel), a commercial mobile radio service (CMRS) carrier, filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in designated rural and non-rural areas of its licensed service area in the state of New York.¹ On May 28, 2003, Nextel filed an amendment to its petition further delineating its proposed service areas.² Specifically, Nextel contends that: (1) the New York Public Service Commission (New York Commission) has provided an affirmative statement that it does not regulate CMRS carriers;³ (2) Nextel satisfies all the statutory and regulatory prerequisites for ETC designation;⁴ and (3) designating

¹ See *Nextel Partners of Upstate New York, Inc. d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the State of New York*, filed April 3, 2003 (Nextel Petition). Nextel requests ETC designation for 38 rural study areas and wire centers in two non-rural study areas. See *Nextel Partners of Upstate New York, Inc. d/b/a Nextel Partners Amendment to Petition for Designation as an Eligible Telecommunications Carrier in the State of New York*, filed May 28, 2003, at Attachment 1 (Nextel Amendment).

² See generally Nextel Amendment.

³ Nextel Petition at Attachment 2.

⁴ *Id.* at 2-6.

Nextel as an ETC will serve the public interest.⁵ The Wireline Competition Bureau seeks comment on the Nextel Petition.

Nextel must provide copies of its petition to the New York Commission. The Commission will also send a copy of this Public Notice to the New York Commission by overnight express mail to ensure that the New York 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 from publication in the Federal Register, and reply comments on or before 24 days from publication 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, Vistrionix, 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 addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd,

⁵ *Id.* at 6-8.

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 Elizabeth Yockus, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.