

PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION

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NEW JERSEY BOARD OF PUBLIC UTILITIES SEEKS RETROACTIVE UNIVERSAL SERVICE SUPPORT ON BEHALF OF BELL ATLANTIC-NEW JERSEY, INC. AND UNITED TELEPHONE COMPANY OF NEW JERSEY, INC.

CC Docket No. 96-45

Release Date: August 9, 2000

Comment Date: August 23, 2000

Reply Comment Date: September 4, 2000

In the *Fourth Order on Reconsideration*, the Commission concluded that a state commission that is unable to designate as an eligible telecommunications carrier (ETC), by January 1, 1998, a carrier that sought such designation before January 1, 1998, should be permitted, once it has designated such carrier, to file with the Commission a petition for waiver requesting that the carrier receive universal service support retroactive to January 1, 1998.¹ A state commission filing such a petition must explain why it did not designate such carrier as eligible by January 1, 1998 and provide a justification for why providing support retroactive to January 1, 1998 serves the public interest. The Commission encouraged affected carriers to file information demonstrating that they took reasonable steps to be designated as eligible telecommunications carriers by January 1, 1998.

The New Jersey Board of Public Utilities (New Jersey Commission) has petitioned the Commission for universal service support retroactive to January 1, 1998 on behalf of Bell Atlantic-New Jersey, Inc. (Bell Atlantic)² and United Telephone Company of New Jersey, Inc. (United).³ The New Jersey Commission states that Bell Atlantic and United filed applications for

¹ *Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge*, CC Dockets 96-45, 96-262, 94-1, 91-213, 95-72, *Fourth Order on Reconsideration*, 13 FCC Rcd 5318, 5333 at para. 23 (*Fourth Order on Reconsideration*).

² The New Jersey Board of Public Utilities, Petitions for Waiver of Section 214(e) and 254(e) (filed Dec. 28, 1998).

³ The New Jersey Board of Public Utilities, Petitions for Waiver of Section 214(e) and 254(e) (filed Dec. 24, 1998).

designation as eligible telecommunications carriers with the New Jersey Commission prior to January 1, 1998, however, the New Jersey Commission was unable to act on these applications prior to January 1, 1998. On January 22, 1998, the New Jersey Commission designated United an ETC for the geographic area which it currently serves. On February 18, 1998, the New Jersey Commission designated Bell Atlantic an ETC for the geographic area which it currently serves. We seek comment on these petitions.

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 **August 23, 2000**, and reply comments on or before **September 4, 2000**. 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. 24,121 (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, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive 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. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the 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, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

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 Richard Smith, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.