



PUBLIC NOTICE

Federal Communications Commission
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DA 00-2024

Released: September 1, 2000

**COMMISSION SEEKS COMMENT ON JOINT APPLICATION FOR CONSENT TO
TRANSFER CONTROL FILED BY NORTHPOINT COMMUNICATIONS, INC.
AND VERIZON COMMUNICATIONS**

CC DOCKET NO. 00-157

Petitions/Comments due: October 2, 2000

Responses/Oppositions to Petitions due: October 17, 2000

On August 25, 2000, NorthPoint Communications, Inc. (NorthPoint), and Verizon Communications (Verizon) filed a joint application under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, requesting Commission approval of the transfer of control of NorthPoint's section 214 authorization to provide domestic interstate telecommunications services as a non-dominant carrier in connection with the proposed merger of NorthPoint and Verizon digital subscriber line (DSL) businesses into a new non-dominant carrier. The proposed merger will result in Verizon owning a 55 percent interest in the new carrier, with the remaining 45 percent interest owned by independent shareholders.

NorthPoint and Verizon submit that the proposed transfer will serve the public interest, by promoting competition for broadband access service and the deployment of advanced telecommunications capabilities. NorthPoint and Verizon further submit that combining their operations will allow the new company to aggressively deploy advanced services to business and residence customers across a larger nationwide footprint, including areas outside of the Verizon local service area. They also assert that the transaction will give the new company the scale it needs, as a DSL provider, to compete with broadband cable providers and develop new and innovative applications, including new video services. NorthPoint and Verizon assert that any NorthPoint services that do not comply with section 271 of the Communications Act of 1934, as amended, will be reconfigured, prior to closing, to the extent necessary to comply with the requirements of that section.

Interested parties may file comments regarding or petitions to deny the application no later than **October 2, 2000**. Oppositions or responses to these comments and petitions may be filed no later than **October 17, 2000**. **All filings regarding any aspect of the proposed transfer of control should reference the Common Carrier Bureau docket assigned to this proceeding, CC Docket No. 00-157.** All filings concerning any or all matters referenced in

this Public Notice should refer to DA 00-2024. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c), must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554. In addition, one copy of each pleading must be delivered to each of the following: (1) International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) Office of Public Affairs, 445 12th Street, S.W., Room CY-0314, Washington, D.C. 20554; (3) Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-B145, Washington, D.C. 20554; (4) James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *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 mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet 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 are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Microsoft Word 97 for Windows software in "read only" mode. Diskette submissions should be in addition to and not a substitute for, the hard copy filing requirement reviewed above. All diskettes should be clearly labeled with : (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.*, comments or oppositions); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with CeCi Stephens, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., 5-C140, Washington, D.C. 20554.

***EX PARTE* STATUS OF THIS PROCEEDING**

Pursuant to 47 C.F.R. § 1.200(a), which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under 47 C.F.R. § 1.1206.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary 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 is generally required. *See* 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.206(b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-C327, Washington, D.C. 20554; James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554; and International Transcription Service, Inc.

(ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800, with copies of any written *ex parte* presentations in this proceeding in the manner specified above. We also require all written *ex parte* presentations or summaries of oral *ex parte* presentations in this proceeding to be served on all parties to the proceeding.

GENERAL INFORMATION

Final action will not be taken on the application earlier than 31 days following the date of this Public Notice. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Copies of the application and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Public Affairs, Reference Operations Division, 445 12th Street, S.W., CY-C314, Washington, D.C. 20554.

For further information, contact Jessica Rosenworcel, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-2764.