



# PUBLIC NOTICE

Federal Communications Commission  
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DA 00-50

## THE COMMISSION SEEKS COMMENT REGARDING WHETHER UNIVERSAL SERVICE PROVISIONS OF ARKANSAS ACT COMPORT WITH FEDERAL LAW

CC Docket No. 97-100

Released January 14, 2000

On December 23, 1999, the Commission released the *Arkansas Preemption Order* preempting certain portions of the Arkansas Telecommunications Regulatory Reform Act of 1997 (Arkansas Act).<sup>1</sup> In that order the Commission concluded that certain provisions of the Arkansas Act conflict with federal law.

The Commission, however, did not reach petitioners' claims that the universal service provisions of the Arkansas Act should be preempted. Instead, the Commission stated that it would defer considering these issues because the record before it had closed before parties could respond to certain significant developments in federal universal service law and policy.<sup>2</sup> Accordingly, to create a fresh and current record, the Commission seeks comment regarding whether Sections 4 and 5 of the Arkansas Act conflict with federal law and the Commission's implementing regulations.

Interested parties may file comments regarding whether Sections 4 and 5 are in conflict with federal law and regulations no later than **February 18, 2000**, with the Secretary, FCC at 445 12<sup>th</sup> Street, SW, TW-A325, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **March 3, 2000**. All pleadings are to reference **CC Docket No. 97-100**. Interested parties should file an original and seven copies of all pleadings. An additional copy of all pleadings must also be sent to Janice M. Myles,

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<sup>1</sup> *Petitions for Expedited Declaratory Ruling Preempting Arkansas Telecommunications Regulatory Reform Act of 1997 Pursuant to Sections 251, 252, and 253 of the Communications Act of 1934, as Amended*; Memorandum Opinion and Order, FCC-99-386, CC Docket No. 97-100, (released Dec. 23, 1999) (*Arkansas Preemption Order*).

<sup>2</sup> *Arkansas Preemption Order* at ¶ 112. See, e.g., *Federal-State Joint Board on Universal Service*, Report and Order (CC Docket No. 96-45, 12 FCC Rcd 8776 (1997) (*Joint Board Universal Service Order*); *Texas PUC et al. v. FCC*, 183 F.3d 393 (5<sup>th</sup> Cir. 1999).

Common Carrier Bureau, FCC, Room 5-C327, 445 12<sup>th</sup> Street, SW, TW-A325, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 1231 20<sup>th</sup> Street, NW, Washington, DC 20036.

The petitions by American Communications Services, Inc. (ACSI)<sup>3</sup> and MCI Telecommunications Corp. (MCI) are available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12<sup>th</sup> Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 1231 20<sup>th</sup> Street, NW, Washington, DC 20036 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/efcs.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 for 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 an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [efcs@fcc.gov](mailto:efcs@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.

We will treat this proceeding as permit, but disclose for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. 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 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice M. Myles and ITS, with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified above.

For further information, contact Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, at (202) 418-7386, e-mail [jmyles@fcc.gov](mailto:jmyles@fcc.gov).

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<sup>3</sup>. ACSI now does business as e.spire Communications, Inc.