



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1162

Released: May 10, 2001

**BellSouth Files Petition for Waiver of Filing Requirement for Pricing Flexibility for New Services
CCB/CPD File No. 01-10
Pleading Cycle Established**

COMMENT DUE DATE: May 25, 2001

REPLY COMMENT DUE DATE: June 4, 2001

On April 30, 2001, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for waiver of the requirement that it submit pricing flexibility requests for new services as part of its annual access charge tariff filing. Under the Commission's rules, a price cap local exchange carrier (LEC) such as BellSouth is entitled to pricing flexibility for a new service if it can demonstrate in its annual access tariff filing that the new service properly would be incorporated into a basket or service band for which it previously had received pricing flexibility.¹

On August 24, 2000, BellSouth filed a petition for pricing flexibility for certain special access and dedicated transport services, and the Common Carrier Bureau subsequently granted BellSouth's petition.² On September 30, 2000, BellSouth filed tariff Transmittal No. 563, which introduced an OC-192 option for BellSouth's Dedicated Ring service, LightGate service, and SMARTRing service. BellSouth contends in its waiver petition that the new OC-192 option would be included in the same baskets and service band as services for which it received pricing flexibility. BellSouth further contends that a waiver is justified because the new services have been available since September 30 and postponing pricing flexibility for those services until BellSouth's annual access tariff filing would delay needlessly contract tariff negotiations for the OC-192 option.

Comments on BellSouth's waiver petition must be filed on or before May 25, 2001. Reply comments must be filed on or before June 4, 2001. When filing comments and reply comments, please reference CCB/CPD File No. 01-10. Interested parties must file an original and five copies of all comments and reply comments. Pleadings must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street S.W., TW-A325, Washington, DC 20554. In addition, one copy of each comment or reply comment must be filed with the Commission's duplicating contractor, ITS, Inc., 1231 20th Street N.W., Washington, DC 20036. One copy must be filed also with the Chief, Competitive Pricing Division, Common Carrier Bureau, Room 5-A225, 445 12th Street S.W., Washington, DC 20554.

¹ See Access Charge Reform, CC Docket No. 96-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221, 14310 (¶ 173)(1999) ("Whenever a price cap LEC can demonstrate in an annual access tariff filing that one of its new services would be properly incorporated into a basket or service band for which it has been granted Phase I or Phase II regulatory relief in any MSA [metropolitan statistical area] or MSAs, it will be granted the same relief in the same MSAs for that new service."); see also 47 C.F.R. § 61.42(g).

² See BellSouth Petition for Pricing Flexibility for Special Access and Dedicated Transport Services, CCB/CPD No. 00-20, Memorandum Opinion and Order, DA 00-2793 (Com. Car. Bur. Dec. 15, 2000), 2000 WL 1838992 (F.C.C.).

The full text of BellSouth's waiver petition is available for public inspection and copying from 8:00 a.m. to 4:30 p.m., Monday through Thursday, and 8:00 a.m. to 11:00 a.m. on Friday at the FCC Reference Information Center, Room CY-A257, Portals II, 445 12th Street S.W., Washington, DC 20554. This document may also be purchased from the Commission's copy contractor, ITS, Inc., 1231 20th Street N.W., Washington, DC 20036, or by calling (202)857-3800, (202)857-3805 (facsimile).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 C.F.R. § 1.1206(b).

For further information, contact Lynne Milne, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520, TTY (202) 418-0484.

