



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 01-1348**  
**Released: June 4, 2001**

## **PLEADING CYCLE ESTABLISHED FOR COMMENTS ON MPOWER PETITION FOR FORBEARANCE AND RULEMAKING**

**CC Docket No. 01-117**

**COMMENTS July 3, 2001**  
**REPLY COMMENTS July 18, 2001**

On May 25, 2001, Mpower Communications Corp. (Mpower) filed a petition for forbearance and rulemaking requesting that the Commission establish a new flexible contract mechanism, which would be in addition to the UNE "safety net." Mpower calls this mechanism a "FLEX contract." According to Mpower, "FLEX contracts" would encourage incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs) to negotiate wholesale package deals that any similarly situated CLEC could opt in on a fair and non-discriminatory basis. Mpower requests that for FLEX contracts, the Commission: (1) forbear from application or enforcement of section 252(i) "pick and choose" requirements; (2) forbear from application or enforcement of section 252(e) provisions regarding submission of FLEX contracts to state commissions for approval or enforcement; and (3) institute a rulemaking to establish a federal program for notification, opt-in, and enforcement of FLEX contracts.

Interested parties may file comments regarding the Mpower petition no later **July 3, 2001**, with the Secretary, FCC at 445 12<sup>th</sup> Street, SW, TW-B204, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **July 18, 2001**. All pleadings are to reference **CC Docket No. 01-117**. 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, Common Carrier Bureau, FCC, Room 5-C327, 445 12<sup>th</sup> Street, SW, TW-B204, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, DC 20554. The Mpower petition is 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 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, DC 20554, 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 Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580, e-mail [jmyles@fcc.gov](mailto:jmyles@fcc.gov).

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