



# PUBLIC NOTICE

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**DA 01-1648**  
**July 11, 2001**

## **PARTIES ASKED TO REFRESH RECORD REGARDING RECONSIDERATION OF RULES ADOPTED IN 1996 IN *LOCAL COMPETITION* DOCKET**

### **CC Docket No. 96-98**

Pursuant to the Commission's rules governing petitions for reconsideration, 47 C.F.R. § 1.106, the Common Carrier Bureau (the Bureau) invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules the Commission adopted in the First Report and Order in CC Docket No. 96-98, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*.<sup>1</sup>

On August 8, 1996, the Commission released the *Local Competition First Report and Order* as required by the 1996 Telecommunications Act. Many parties filed petitions for reconsideration of that order.<sup>2</sup> Since then there has been significant litigation concerning many of the rules adopted in the *Local Competition First Report and Order*, including three decisions by the Eighth Circuit and one by the Supreme Court.<sup>3</sup> Of the rules the Commission adopted in the *Local Competition First Report and Order*, only certain rules concerning combination and pricing of unbundled network elements remain in dispute.<sup>4</sup>

The Bureau has refrained from considering many of the petitions for reconsideration of the rules adopted in the *Local Competition First Report and Order* until most of the litigated issues were resolved. Now that the issues in dispute have narrowed, the Bureau will proceed to address petitions for reconsideration relating to rules that are not the subject of pending litigation.

Because many of these petitions were filed several years ago, the passage of time and intervening

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<sup>1</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499 (1996) (Local Competition First Report and Order).

<sup>2</sup> *See, e.g., Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Order on Reconsideration, 11 FCC Rcd 13042 (1996), Second Order on Reconsideration, 11 FCC Rcd 19738 (1996), Third Order on Reconsideration and Further Notice of Proposed Rulemaking, 12 FCC Rcd 12460 (1997); further recons. pending.

<sup>3</sup> *Competitive Telecommunications Ass'n v. FCC*, 117 F.3d 1068 (8th Cir. 1997); *Iowa Utils. Bd. v. FCC*, 120 F.3d 753 (8th Cir. 1997), aff'd in part and remanded, *AT&T v. Iowa Utils. Bd.*, 119 S. Ct. 721 (1999); *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000).

<sup>4</sup> *Verizon Communications, Inc. v. FCC*, 2001 WL 46225 (January 22, 2001).

developments may have rendered the records developed by those petitions stale. For example, in addition to the litigation mentioned above, the Commission has issued several orders on reconsideration of the *Local Competition First Report and Order*, including the *Order on Reconsideration*, the *Second Order on Reconsideration*, and the *Third Order on Reconsideration and Further Notice of Proposed Rulemaking*. Moreover, some issues raised in petitions for reconsideration may have become moot or irrelevant in light of intervening events.

For these reasons, the Bureau requests that parties that filed petitions for reconsideration in 1996 now file a supplemental notice indicating which of such issues they still wish to be reconsidered. In addition, parties may refresh the record with any new information or arguments they believe to be relevant to deciding such issues. To the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will deem such petitions withdrawn and will dismiss them. The refreshed record will enable the Commission to undertake appropriate reconsideration of its local competition rules.

Interested parties may file comments updating their previously filed petitions for reconsideration no later than **30 days after this Public Notice appears in the Federal Register**, 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 **45 days after this Public Notice appears in the Federal Register**. All pleadings are to reference **CC Docket No. 96-98**. 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-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 original petitions for reconsideration that parties filed in 1996 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.

This proceeding is considered "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 Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1577, e-mail [jmyles@fcc.gov](mailto:jmyles@fcc.gov).

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