



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>

DA 01-1658  
Released July 12, 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,<sup>1</sup> the Commission invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules adopted by the Commission in the Second Report and Order in CC Docket No. 96-98, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*.<sup>2</sup>

On August 8, 1996, the Commission released the *Local Competition Second Report and Order* as required by the Telecommunications Act of 1996.<sup>3</sup> Many parties filed petitions for reconsideration of that order.<sup>4</sup> The Commission subsequently resolved a majority of these petitions,<sup>5</sup> but due to the significant litigation arising from the rules adopted in the *Local*

---

<sup>1</sup> 47 C.F.R. § 1.106.

<sup>2</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*), vacated in part, *People of the State of California v. FCC*, 124 F.3d 934 (8<sup>th</sup> Cir. 1997), rev. *AT&T Corp. v. Iowa Util. Bd.*, 119 S.Ct. 721 (Jan. 25, 1999).

<sup>3</sup> *Telecommunications Act of 1996*, Pub. L. No. 104-104, 110 Stat. 56 (1996 Act) (codified at 47 U.S.C. §§ 151 *et seq.*). Hereinafter, all citations to the 1996 Act will be to the 1996 Act as it is codified in the United States Code. The 1996 Act amended the Communications Act of 1934. We will refer to the Communications Act of 1934, as amended, as "the Communications Act" or "the Act."

<sup>4</sup> For a list of parties that filed petitions for reconsideration of the Local Competition Second Report and Order, see *Implementation of the Telecommunications Act of 1996, Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information under the Telecommunications Act of 1934, as Amended*, Third Report and Order, CC Docket No. 96-115, Second Order on Reconsideration, CC Docket No. 96-98, and Notice of Proposed Rulemaking, CC Docket No. 99-273, 14 FCC Rcd 15550, at Appendix "A" (SLI/DA Order and Notice).

<sup>5</sup> See, e.g. *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, First Order on Reconsideration, FCC 99-170, (rel. July 19, 1999), SLI/DA Order and Notice (Second Order on Reconsideration), 14 FCC Rcd 15550 (1999), Third Order on Reconsideration and Memorandum Report

*Competition Second Report and Order*, several petitions remain unresolved. Specifically, the remaining petitions seek reconsideration of the rules governing intraLATA toll dialing parity pursuant to section 251(b)(3) of the Act,<sup>6</sup> and network change disclosure rules pursuant to section 251(c)(5) of the Act.<sup>7</sup> Because many of these petitions were filed some time ago, the passage of time and intervening developments may have rendered the records developed for those petitions stale. Moreover, some issues raised in petitions for reconsideration may have become moot or irrelevant in light of intervening events.

For these reasons, the Common Carrier Bureau requests that parties that filed petitions for reconsideration following the release of the *Local Competition Second Report and Order* identify issues from that order that remain unresolved now and supplement those petitions, in writing, to indicate which findings and rules they still wish to be reconsidered. To the extent that intervening events have materially altered the circumstances surrounding filed petitions or the relief sought by filing parties, those entities may refresh the record with new information or arguments related to their original filings that they believe to be relevant to the issues. The previously filed petitions will be deemed withdrawn and will be dismissed if parties do not indicate in writing an intent to pursue their respective petitions for reconsideration. The refreshed record will enable the Commission to undertake appropriate and expedited reconsideration of its local competition rules.

Interested parties may file supplemental 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 should also be sent to Dennis Johnson, Common Carrier Bureau, FCC, Room 6-A207, 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

---

and Order, FCC 99-243 (rel. October 21, 1999).

<sup>6</sup> See 47 U.S.C. §§ 251(b)(3).

<sup>7</sup> See 47 U.S.C. §§ 251(c)(5).

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.<sup>8</sup> 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.<sup>9</sup> 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 provide to Dennis Johnson, Common Carrier Bureau and ITS, 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 Dennis Johnson, Network Services Division, Common Carrier Bureau, at (202) 418-2320, e-mail [dcjohnso@fcc.gov](mailto:dcjohnso@fcc.gov).

- FCC -

---

<sup>8</sup> See generally 47 C.F.R. §§ 1.1200-1.1216.

<sup>9</sup> See 47 C.F.R. § 1.1206(b)(2).