



# PUBLIC NOTICE

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**DA 01-2514**

**Released: November 8, 2001**

## **PLEADING CYCLE ESTABLISHED FOR COMMENTS ON US LEC PETITION FOR PREEMPTION PURSUANT TO 47 U.S.C. § 252(e)(5)**

**CC Docket No. 01-268**

**COMMENTS: November 19, 2001**  
**REPLY COMMENTS: November 28, 2001**

On September 25, 2001, US LEC of Virginia L.L.C. (US LEC) filed a petition seeking preemption of jurisdiction of the Virginia State Corporation Commission (Virginia Commission) pursuant to section 252(e)(5) of the Communications Act, and section 51.803 of the FCC's rules and regulations. US LEC requests that the Commission issue an order preempting jurisdiction of the Virginia Commission in an interconnection dispute between US LEC and Verizon-Virginia Inc. (Verizon) regarding reciprocal compensation.

Under section 252(e)(5), the Commission must act upon a carrier's preemption petition within 90 days of receiving notice of a state commission's failure to act with respect to an interconnection dispute. On November 6, 2001, US LEC provided the Commission such notice, indicating that the Virginia Commission had recently issued a final order dismissing without prejudice US LEC's petition for declaratory judgment regarding its interconnection dispute with Verizon.<sup>1</sup> We consider the November 6, 2001, filing as triggering the statutory 90-day period provided in section 252(e)(5) and therefore shall issue an order regarding US LEC's preemption request on or before February 4, 2002.

Interested parties may file comments regarding the US LEC petition no later than **November 19, 2001**, with the Secretary, FCC, in accordance with the Commission's revised policy governing deliveries to the agency. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **November 28, 2001**. All pleadings are to reference **CC Docket No. 01-268**. 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. We also request that parties send an electronic courtesy copy of all filings via email to the contact person listed at the end of this notice. The full text of this document is available for public inspection and copying during regular

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<sup>1</sup> See Supplemental Submission in Further Support of Petition of US LEC of Virginia L.L.C. Pursuant to Section 253(e)(5) of the Communications Act, filed November 6, 2001.

business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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 Qualex International 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 John Stanley, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580, [jstanley@fcc.gov](mailto:jstanley@fcc.gov).

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