



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2874
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COMMON CARRIER BUREAU SEEKS COMMENT ON THE AMENDED CITIZENS UTILITY BOARD PETITION FOR EXPEDITED PERMANENT WAIVER OF 47 C.F.R. § 52.19(c)(3)(ii)

CC Docket No. 96-98
NSD-L-01-161

Pleading Cycle Established

COMMENTS: December 28, 2001

REPLY COMMENTS: January 7, 2002

On August 10, 1999, the Illinois Commerce Commission (Illinois Commission) petitioned the Federal Communications Commission (FCC) for a temporary waiver of the mandatory ten-digit dialing rule in the Chicago metropolitan area until the last of four area code overlays was adopted in that area.¹ On March 2, 2000, the FCC's Common Carrier Bureau (Bureau) granted the petition, allowing the Illinois Commission to delay implementing ten-digit dialing in all areas of metropolitan Chicago, until the last of four planned area code overlays was activated, but no later than April 1, 2001.² The Bureau determined that the Illinois Commission needed time to conduct an efficient, one-time customer education campaign.³

On January 31, 2001 the Illinois Commission filed another petition requesting that the Bureau extend the expiration date of the previous waiver because the projected exhaust date for the 847 NPA had been extended into the current calendar year.⁴ In the *Second Waiver Order* released April 6, 2001, the Bureau granted the Illinois Commission's request to extend the waiver

¹ See *Petition of the Illinois Commerce Commission for Expedited Temporary Waiver of 47 CFR § 52.19(c)(3)(ii)*, filed August 10, 1999.

² *In the Matter of Illinois Commerce Commission Petition for Expedited Temporary Waiver of 47 CFR § 52.19(c)(3)(ii)*, Order, 15 FCC Rcd 4632, 4633, para. 1 (rel. March 2, 2000).

³ *Id.* at 4639-4640, para. 14.

⁴ *Expedited Petition of the Illinois Commerce Commission To Reset The Mandatory Expiration Date of its Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) to Reflect the Exhaust of the 847 NPA, the First of the Five Area Codes in the Chicago Metropolitan Area to Reach Exhaust*, filed January 31, 2001.

for an additional nine months beginning April 6, 2001 and ending January 7, 2002.⁵ The Bureau did not find that carriers needed additional time to update their networks, but did conclude that customers still needed to be educated about dialing patterns.⁶

On October 4, 2001, the Illinois Citizens Utility Board (CUB) filed a petition with the FCC requesting a permanent waiver of the ten-digit dialing rule in the geographic area covered by the 847 and 224 area codes.⁷ CUB disagrees with the FCC's conclusion that the ten-digit dialing requirement for all-services overlays is necessary to prevent a potentially adverse effect on competition.⁸ CUB further states that harm to competition as a result of a dialing disparity in Illinois has not been shown and is unlikely to occur.⁹ CUB also believes that the ten-digit dialing requirement poses a burden on consumers.¹⁰

We hereby seek comment on the CUB's request for a permanent waiver of ten-digit dialing. Copies of this petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the petition may also be found by searching on the FCC's Electronic Comment Filing System (ECFS) at <<http://www.fcc.gov/e-file/ecfs.html>> (insert **96-98** into the Proceeding block). Interested parties may file comments concerning this petition on or before **December 28, 2001**, and reply comments on or before **January 7, 2002**. All filings must reference **File No. NSD-L-01-161** and **CC Docket No. 96-98**. Send an original and four copies to the FCC Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may be filed using the ECFS or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference **96-98** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen,

⁵ *Expedited Petition of the Illinois Commerce Commission to Reset the Mandatory Expiration Date of Its Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii) to Reflect the Exhaust of the 847 NPA, the First of Five Area Codes in the Chicago Metropolitan Area to Reach Exhaust*, Order, 16 FCC Rcd 7511 (2001) (*Second Waiver Order*).

⁶ *Id.* at 7512-7513.

⁷ *Amended Citizens Utility Board Petition for Expedited Permanent Waiver of 47 CFR § 52.19(c)(3)(ii)* (dated Oct. 1, 2001, filed Oct. 4, 2001) (CUB Petition).

⁸ *Id.* at 8; see also *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19518-19519, at para. 287 (1996), *vacated in part*, *California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *rev'd* *AT&T v. Iowa Utils. Bd.*, 199 S. Ct. 721 (1999).

⁹ CUB Petition at 8.

¹⁰ *Id.*

commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the FCC's *ex parte* rules.¹¹ As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the FCC's rules applicable to non-restricted proceedings.¹²

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.¹³ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information, contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jgorny@fcc.gov. The TTY number is (202) 418-0484.

-FEDERAL COMMUNICATIONS COMMISSION-

¹¹ See generally 47 C.F.R. §§ 1.1200-1.1216.

¹² 47 C.F.R. § 1.1206.

¹³ 47 C.F.R. § 1.1206(b)(2).