



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 01- 407

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

ACTION

February 15, 2001

COMMENTS SOUGHT ON CITY SIGNAL COMMUNICATIONS, INC. PETITION FOR DECLARATORY RULING CONCERNING USE OF PUBLIC RIGHTS OF WAY FOR ACCESS TO POLES IN EASTLAKE, OHIO PURSUANT TO SECTION 253

CS DOCKET NO. 01-42

Comments due: March 20, 2001

Reply comments due: April 4, 2001

On February 12, 2001, City Signal Communications, Inc. refiled a Petition for Declaratory Ruling seeking Commission preemption of the enforcement of any pronouncement, rule, regulation, or ordinance by City of Eastlake, Ohio ("City") that prohibits or may have the effect of prohibiting the ability of City Signal from providing interstate or intrastate telecommunications service in or through the City of Eastlake. City Signal states that it is certified as a telecommunications provider by the Public Utilities Commission of Ohio. It further states that it was advised on two occasions that a right of way authorization would not be granted until it paid the City a franchise fee, although no other telecommunications provider pays the City a franchise fee. City Signal argues that the City's action is not competitively neutral and nondiscriminatory and is in violation of section 253 of the Communications Act of 1934, as amended, 47 U.S.C. § 253.

Interested parties may file comments regarding the City Signal Communications, Inc. petition no later than March 20, 2001 and reply comments no later than April 4, 2001, with Magalie Roman Salas, Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204, Washington, DC 20554. All pleadings are to reference **CS Docket No. 01-42**. Interested parties should file an original and six copies of all pleadings. An additional copy of all pleadings must also be sent to Janice Myles, Room 5-C327, 445 12th Street, SW, Washington, DC 20554, Trudy Hercules, Room 4-C474, 445 12th Street, SW, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 445 12th Street, SW, Room CY-B402, Washington, DC 20554. The City Signal Communications, Inc. petition is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 445 12th Street, SW, Room CY-B402, Washington, DC 20554 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Comments filed through the Commission's Electronic Comment Filing System ("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, 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 Myles, Trudy Hercules, 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 on City Signal Communications, Inc.'s petition contact Janice Myles, Common Carrier Bureau at (202) 418-1577, or Trudy Hercules, Cable Services Bureau at (202) 418-2288, and for general information contact Michelle Russo, Cable Services Bureau, at (202) 418-2358, e-mail mrusso@fcc.gov, or Michael Balmoris, Common Carrier Bureau, at (202) 418-0253, e-mail mbalmori@fcc.gov.

TTY: (202) 418-7172.

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