

# 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>  
<ftp.fcc.gov>

---

**DA 01-460**

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION  
OF ASCENT FOR PREEMPTION OF MONTGOMERY, ALABAMA TAXATION POLICY**

**CC Docket No. 01-40**

Released: February 16, 2001

On January 18, 2001, the Association of Communications Enterprises (ASCENT) filed a petition seeking preemption, pursuant to section 253 of the Communications Act, of imposition by the City of Montgomery, Alabama of a flat annual license and privilege tax on all telecommunications companies who serve Montgomery subscribers. According to ASCENT, this flat telecommunication license and privilege tax has the effect of economically precluding competitive local exchange carriers and interexchange carriers from offering service in Montgomery, in violation of section 253 of the Act.

Interested parties may file comments regarding the ASCENT petition no later than **March 19, 2001**, with Magalie Roman Salas, Office of the Secretary, 445 12<sup>th</sup> Street, SW, Room TW-B204, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **April 3, 2001**. All pleadings and correspondence are to reference **CC Docket No. 01-40**. Interested parties should file an **original and seven copies** of all pleadings. An additional copy of all pleadings must be sent to Janice M. Myles, Common Carrier Bureau, FCC, Room 5-C327, 445 12<sup>th</sup> Street, SW, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554. The ASCENT petition is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, and 445 12th Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 445 12<sup>th</sup> 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 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 (courtesy copies must be filed to the above mentioned persons). 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 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 general information on ASCENT petition contact Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1577, e-mail [jmyles@fcc.gov](mailto:jmyles@fcc.gov).

- FCC -