

PUBLIC NOTICE

Federal Communications Commission
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DA 01-728

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
PETITION OF COALITION OF COMPETITIVE FIBER PROVIDERS
FOR DECLARATORY RULING OF SECTIONS 251(b)(4) AND 224(f)(1)**

CC Docket No. 01-77

Released: March 22, 2001

On March 15, 2001, the Coalition of Competitive Fiber Providers (Coalition) filed a petition requesting a declaratory ruling pursuant to sections 251(b)(4) and 224(f)(1) of the Communications Act, that incumbent local exchange carriers (ILECs) must provide to telecommunications carriers nondiscriminatory access to any "duct, conduit, or right-of-way owned or controlled by" an ILEC leading to, or located in, ILEC central offices. The Coalition states that grant of its petition would serve the goals of the Act by facilitating provision of competitive transport services and dark fiber to competitive local exchange carriers that, in turn, can lead to lower prices and greater service options to consumers.

Interested parties may file comments regarding the Coalition petition no later than **April 23, 2001**, with Magalie Roman Salas, Office of the Secretary, 445 12th Street, SW, Room TW-B204, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **May 8, 2001**. All pleadings and correspondence are to reference **CC Docket No. 01-77**. 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 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 Coalition petition is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, 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 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, 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 Coalition petition contact Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1577, e-mail jmyles@fcc.gov.

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