



PUBLIC NOTICE

Federal Communications Commission
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DA 01-768

April 4, 2001

**COMMENTS REQUESTED ON THE APPLICATION
BY SBC COMMUNICATIONS INC.
FOR AUTHORIZATION UNDER SECTION 271 OF THE COMMUNICATIONS ACT
TO PROVIDE IN-REGION, INTERLATA SERVICE IN THE STATE OF MISSOURI
(CC DOCKET NO. 01-88)**

On April 4, 2001, SBC Communications Inc. and its subsidiaries, Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance (collectively, SWBT) filed an application for authorization to provide in-region, interLATA service in the State of Missouri, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271. This Public Notice establishes certain procedural requirements relating to consideration of SWBT's application. The Commission recently updated its general procedural requirements that apply to the processing of this and all other applications for authorization under section 271 of the Act.¹ A copy of that Public Notice is attached hereto. Also attached is a protective order adopted today, *Application of SBC Communications Inc. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Missouri*, Protective Order, DA 01-769 (CCB rel. April 4, 2001), that establishes the conditions under which access will be made available to confidential documents submitted in this proceeding by SWBT or any other party.

Comments By Interested Third Parties. Comments by interested third parties in support of or in opposition to SWBT's application must be filed on or before **April 24, 2001**, and must be filed in conformance with the procedures set forth in the attached *March 23, 2001 Public Notice*. As in prior section 271 application proceedings, comments may not exceed 100 pages.²

An original and four copies of all comments must be filed with Magalie Roman Salas, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, 12 copies of each comment must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street S.W., Room 5-C327, Washington, D.C., 20554,

¹ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (*Mar. 23, 2001 Public Notice*).

² Parties anticipating that they may require additional pages for comments or reply comments are asked to contact Gary Remondino, FCC/Policy Division at 202/418-2298 as soon as possible, but in no event later than April 17, 2001 (for comments) and no later than May 7, 2001 (for reply comments).

ATTN: Docket No. 01-88, and one copy to International Transcription Service (ITS), 445 12th Street S.W., Room CY-314, Washington D.C., 20554. In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Document in Rulemaking Proceedings, 63 Fed Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by the Internet e-mail to ecfs@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.

State Commission and Department of Justice Written Consultations. The Missouri Corporation Commission must file any written consultation on or before **April 24, 2001**. Any written consultation by the U.S. Department of Justice, which by the Act's express terms must become part of the Commission's record, must be filed on or before **May 9, 2001**. Because the Missouri Commission and the Department of Justice are given roles by statute in a section 271 proceeding, copies of all pleadings, including comments and ex partes, should be filed with those parties.³

Replies. All participants in the proceeding -- the applicant, interested third parties, the Missouri Commission, and the Department of Justice -- may file a reply to any comments filed by any other participant on or before **May 16, 2001**. Reply comments may not exceed 50 pages, unless parties request additional pages to address state-specific circumstances, as described above in footnote 2.

An original and four copies of all reply comments must be filed with Magalie Roman Salas, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, 12 copies of each reply comments must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street S.W., Room 5-C327, Washington, D.C., 20554, ATTN: Docket No. 01-88, and one copy to International Transcription Service (ITS), 445 12th Street S.W., Room CY-B402, Washington D.C., 20554.

Treatment of Confidential Information. To the extent a submission by any party (including the applicant, the Department of Justice, the relevant state commission or any commenter) includes confidential information or comments on confidential information that another participant has submitted, the party must file with the Office of the Secretary: (a) one copy of only the portion(s) of the submission that contain confidential information or comment on confidential information that another participant has submitted, exclusive of the remainder of the submission; and (b) one original and two copies of the entire confidential submission in redacted form. Each of the submissions described in items (a) and (b) must be accompanied by a cover letter. The submission described in item (a) and accompanying cover letter should be stamped "Confidential—Not for Public Inspection." The original and two copies of the redacted submission described in item (b) and their accompanying cover letters should be stamped "Redacted—For Public Inspection." The

³ Please forward copies to the attention of: (1) Dan Joyce, General Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102; and (2) Layla Seirafi, U.S. Department of Justice, Antitrust Division, Telecommunications Task Force, 1401 H St., NW, Suite 8000, Washington, DC 20005.

cover letters accompanying both sets of submissions set forth in items (a) and (b) above should state that the party is filing a confidential portion of the submission and a redacted version of the entire submission. Other than bearing different stamps (i.e., “Confidential—Not for Public Inspection” or “Redacted—For Public Inspection”), the (a) and (b) cover letters should be identical. The submissions should be delivered in person to Magalie Roman Salas, Secretary, 445 12th Street, S.W., Room TW-B-204; or, in her absence, to William F. Caton, Deputy Secretary, at the same address. Each redacted filing must also be submitted on a read-only CD-ROM⁴ formatted in Word 97 or Excel 97 format, as applicable. One set of the confidential and redacted submissions should also be delivered to **Gary Remondino, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C140.**

All questions relating to access to confidential information submitted by SWBT should be directed to Kevin Walker, 202-326-7900, at Kellogg, Huber, Hansen, Todd & Evans, 1615 M Street, N.W., Suite 400, Washington, D.C., 20036-3209.

Availability of Information. A wide range of information relating to SWBT’s section 271 application for Missouri may be retrieved from the Commission’s World Wide Web site at <http://www.fcc.gov>.⁵ Specific information, such as comments and *ex parte* submissions, may be obtained from the Electronic Comment Filing System (ECFS), which is accessible through the Commission’s website. Moreover, SWBT has voluntarily agreed to post several documents, including its application and supporting affidavits and substantive *ex parte* submissions, on the World Wide Web at www.sbc.com/Long_Distance/Home.html.

The application will be available for public inspection during regular business hours in the Reference Information Center of the Federal Communications Commission, Room CY-A-257, 445 12th Street, S.W., Washington, DC. Paper copies of the application, and the record generated in response thereto, may be obtained from the Commission’s copy contractor.

Ex Parte Rules - Permit-but-Disclose Proceeding. Because of the broad policy issues involved, section 271 application proceedings initially are classified as permit-but-disclose proceedings.⁶ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with the Commission’s *ex parte* rules.⁷ Because of the 90-day statutory timeframe for decision, the Commission strongly encourages parties to set forth their views comprehensively in the formal filings specified above (e.g., written consultations, oppositions, supporting comments, etc.) and

⁴ If filing on CD-ROM is not possible, applicants may file on a 3.5 inch computer diskette.

⁵ The rules relating to public information and the inspection of records are set forth at sections 0.441 through 0.470 of the Commission’s Rules. 47 C.F.R. §§ 0.441-0.470.

⁶ See 47 C.F.R. § 1.1206(a)(13) (added by 64 FR 68946, 68946 (1999) (effective Jan. 10, 2000)); e.g., Comments Requested on Application by Bell Atlantic for Authorization under Section 271 of the Communications Act to Provide In-region, InterLATA Service in the State of New York (CC Docket No. 99-295), Public Notice, DA 99-2014, 1999 WL 770903 (CCB rel. Sept. 29, 1999).

⁷ See 47 C.F.R. §§ 1.1202, 1.1206(b). Interested parties are to file with the Secretary of the Commission and serve Gary Remondino, Policy and Programming Planning Division, Common Carrier Bureau, Federal Communications Commission, Rm. 5-C140, 445 Twelfth St., S.W., Washington, DC 20554, and ITS, Inc., 445 12th St., S.W., Room CY-B402 Washington, DC 20554, with copies of written *ex parte* presentations in these proceedings in accordance with the Commission’s *ex parte* rules.

not to rely on subsequent *ex parte* presentations. In any event, parties may file no more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record of this proceeding. In light of the statutory deadline for decision, parties are hereby requested to provide Gary Remondino, 445 12th Street, S.W. Room 5-C140, Washington D.C. 20554 with courtesy copies of any *ex parte* presentations made to any member of the Commission.

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the Missouri Corporation Commission are deemed to be exempt *ex parte* presentations.⁸ To the extent that the Commission obtains through such oral *ex parte* presentations new factual information on which the Commission may rely in its decision-making process, the party submitting the information – either the Department of Justice or the Missouri Commission– shall prepare a summary for inclusion in the record in accordance with Commission rules, unless such a summary is being prepared by Commission staff.⁹ We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Missouri Commission.¹⁰

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all presentations to its decision-making personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the application.¹¹

Ex Parte Meeting Schedule. The Common Carrier Bureau will be available for meetings on April 18-19, 2001 and May 11, 2001, in case interested parties wish to discuss any issues that they intend to raise in comments or reply comments, as applicable, in support of or in opposition to SWBT's application. The purpose of these meetings is to give interested parties an opportunity to inform Bureau staff of such issues prior to filing their written comments or reply comments. The Bureau encourages interested parties to make joint presentations of common concerns to the extent feasible. Parties who wish to schedule meetings with the Bureau should call Gary Remondino, Policy and Program Planning Division, at (202) 418-2298.

Aside from the meetings listed above, *ex parte* meetings related to this proceeding will occur only at the request of Bureau staff.

⁸ See *id.* § 1.1200(a) (“Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice.”); *id.* § 1204(a)(6), as amended by 64 FR 68946, 68946 (1999) (effective Jan. 10, 2000).

⁹ See *id.* § 1.1206(a).

¹⁰ See *id.* § 1.1200(a).

¹¹ See *id.* §§ 1.1200; 1.1203.

Calendar

Ex Parte Meetings related to Comments: April 18-19, 2001

Comments Due: April 24, 2001

State Commission Comments Due: April 24, 2001

U.S. Department of Justice Evaluation: May 9, 2001

Ex Parte Meetings related to Reply Comments: May 11, 2001

Reply Comments Due: May 16, 2001

By the Common Carrier Bureau.

News Media contact: Michael Balmoris -- (202) 418-1500
Common Carrier Bureau contact: Tom Navin -- (202) 418-1304