



PUBLIC NOTICE

Federal Communications Commission
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DA 01-912

April 11, 2001

Citizens Communications Company and Qwest Corporation's

Petition for Waiver of Section 61.48(o)(2)

CCB/CPD 01-09

Pleading Cycle Established

COMMENTS: April 18, 2001

REPLY COMMENTS: April 25, 2001

On March 23, 2001, Citizens Communications Company (Citizens) and Qwest Corporation (Qwest), by respective counsels, filed a petition requesting a waiver to extend the provisions of Section 61.48(o)(2) of the Commission's rules, 47 C.F.R. § 61.48(o)(2). Qwest and Citizens, prior to April 1, 2000, entered into binding and executed contracts for the sale by Qwest to Citizens of certain Qwest properties in ten states. Both companies expected the sales to be completed during the 2000 tariff year, choosing to follow the methodology mandated in § 61.48(o)(2) and the rate blending detailed in the Nakahata Letter of the *Sixth Report and Order (CALLS Order)*.¹

Qwest and Citizens request the Commission to allow Qwest to maintain its Target Rate of \$0.0095 for the Average Traffic Sensitive (ATS) minutes of use with respect to the contract, until such time as all of the properties are transferred to Citizens. Qwest and Citizens asserts that by granting this waiver, the Commission will avoid having the Target Rate for ATS minutes of use associated with those properties reduced from \$0.0095 to \$0.0055 and be consistent with the directions set forth in the *Calls Order* seeking to avoid rate churn and customer confusion. The completion of the sales is anticipated during the next tariff year.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the

¹ CC Docket Nos. 96-262 and 94-1, *Sixth Report and Order*, *supra*. at ¶ 180, rel. May 31, 2000, FCC 00-103.

substance of the presentations 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). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Interested parties may file comments no later than **April 18, 2001**. Reply comments may be filed no later than **April 25, 2001**. When filing comments, please reference the internal file number: **CCB/CPD No. 01-09**.

An original and four copies of all comments and reply comments must be filed with the Office of the Secretary, Federal Communications Commission, 445 – 12th Street, S.W., TW-A225, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231 – 20th Street, N.W., Washington, D.C. 20036, and one copy with the Chief, Competitive Pricing Division, 445 – 12th Street, S.W., TW-A225, Washington, D.C. 20554.

For further information, contact Aaron Goldschmidt, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1530.

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