

PUBLIC NOTICE

Federal Communications Commission
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DA 02-1533
June 28, 2002

COMMENTS SOUGHT ON LUCENT'S THIRD SUPPLEMENT TO PETITION FOR DECLARATORY RULING ON STATE CONSUMER PROTECTION LAWS AS THEY RELATE TO AT&T/LUCENT LEASING OF CUSTOMER PREMISES EQUIPMENT

(WC Docket No. 02-147)

COMMENTS DUE: July 29, 2002

REPLY COMMENTS DUE: August 13, 2002

On May 23, 2002, Lucent Technologies Inc. filed a Third Supplement¹ to its original Motion for Declaratory Ruling² concerning the application of state consumer protection laws to the leasing of certain customer premises equipment (CPE) by AT&T and Lucent. This Supplement is intended to update the original declaratory ruling petition concerning a class action lawsuit that Lucent asserts "collaterally attacks in state court settled determinations of the FCC within its exclusive jurisdiction regarding the detariffing of . . . CPE."³ The Commission filed an amicus brief in that class action lawsuit. The underlying class action lawsuit is scheduled for trial in Illinois state court on August 5, 2002.

Release of this Public Notice is not intended to interfere with any state court proceedings. However, consistent with Commission practice, interested parties may file comments on the issues raised by the Third Supplement to the Motion for Declaratory Ruling consistent with the procedures described in this Notice. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415 and 1.4.19, interested parties may file comments in this proceeding on or before **July 29, 2002**, and reply comments on or before **August 13, 2002**. All filings must refer to **WC Docket No. 02-147**.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

¹ Lucent Technologies Inc.'s Third Supplement to Petition for Declaratory Ruling, *In the Matter of Motion of Lucent Technologies Inc. For a Declaratory Ruling* (filed May 23, 2002).

² Motion of AT&T Corp. and Lucent Technologies Inc. for Declaratory Ruling, *In the Matter of Motion of AT&T Corp. and Lucent Technologies Inc. For a Declaratory Ruling* (filed May 24, 1999).

³ Lucent Third Supplement at 1.

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. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. 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 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.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Four copies of each comment and reply must also be delivered to Janice Myles, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy of each must be delivered to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington D.C., 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to **236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.**⁴ The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Filings in this proceeding are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C., 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

⁴ See Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).

This proceeding 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 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).

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