



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 02-506

Released: March 4, 2002

## PLEADING CYCLE ESTABLISHED FOR COMMENTS REGARDING RETENTION OF SECTION 51.323(k)(2) OF THE COMMISSION'S RULES ON COLLOCATION

CC Docket No. 98-147

**Comments Due: 15 days after publication in the Federal Register**

**Reply Comments Due: 25 days after publication in the Federal Register**

In the *Advanced Services First Report and Order*,<sup>1</sup> the Commission adopted rule 51.323(k)(2), which provides, in pertinent part, that "[a]n incumbent LEC may not require competitors to use an intermediate interconnection arrangement in lieu of direct connection to the incumbent's network if technically feasible."<sup>2</sup> Verizon requests that we clarify that this rule does not preclude an incumbent LEC from installing a point of termination bay (POT bay) at the point where an incumbent LEC's facilities terminate and collocators' facilities begin.<sup>3</sup> In order to ensure a complete record regarding this issue, we invite comment on whether the Commission should amend or repeal the portion of rule 51.323(k)(2) quoted above. We request that commenters explain in detail why retention, amendment, or repeal of this rule would address their concerns.

Interested parties filing comments in this proceeding must reference **CC Docket No. 98-147**. 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., Room TW-B204, Washington, D.C. 20554. In addition, one copy of each submission must be filed with Qualex International, the Commission's duplicating contractor, at its office at Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, and one copy with Janice Myles, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554. In accordance with the

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<sup>1</sup> *Deployment of Wireline Services Offering Advanced Service Capabilities*, CC Docket No. 98-147, 14 FCC Rcd 2402 (1998) (*Advanced Services First Report and Order*) (subsequent history omitted).

<sup>2</sup> 47 C.F.R. § 51.323(k)(2).

<sup>3</sup> See Letter from W. Scott Randolph, Director, Regulatory Affairs, Verizon, to Magalie R. Salas, Secretary, FCC, CC Docket No. 98-147, at 1 (filed Dec. 19, 2001).

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.**<sup>4</sup> 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.

Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, Md. 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, S.W., Washington, D.C. 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

<b>If you are sending this type of document or using this delivery method...</b>	<b>It should be addressed for delivery to...</b>
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002 (8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail)	9300 East Hampton Drive, Capitol Heights, Md. 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12th Street, S.W. Washington, D.C. 20554

Filings and comments 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](mailto:qualexint@aol.com).

In addition to filing paper comments, parties **are encouraged also to file comments electronically** using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Document in Rulemaking Proceedings, 63 Fed Reg. 24121 (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

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

electronic comment by the Internet e-mail. To receive instructions, send an email to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and 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 are also requested to send a courtesy copy of their comments via email to [jkadams@fcc.gov](mailto:jkadams@fcc.gov) and [wkehoe@fcc.gov](mailto:wkehoe@fcc.gov).**

This proceeding is 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). Comments are due on rule 51.323(k)(2) 15 days after publication in *Federal Register*. Reply comments are due 25 days after publication in *Federal Register*. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

For additional information, contact John Adams or Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1580, or via the Internet at [jkadams@fcc.gov](mailto:jkadams@fcc.gov), or [jmyles@fcc.gov](mailto:jmyles@fcc.gov).

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