



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
fjn fcc.gov

DA 02-879

Released: April 15, 2002

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
QWEST CORPORATION PETITION FOR DECLARATORY RULING
CONCERNING WHOLESALE DSL SERVICES AND SECTION 251(c)(4) OF THE ACT**

WC DOCKET NO. 02-77

Comments Due: May 15, 2002
Reply Comments Due: May 30, 2002

On April 3, 2002, Qwest Corporation (Qwest) filed a petition for declaratory ruling pursuant to section 1.2 of the Commission's rules, 47 C.F.R. § 1.2. The Qwest petition requests the Commission to issue a declaratory ruling that section 51.605(c) of the Commission's rules, 47 C.F.R. § 51.605(c), applies to an incumbent local exchange carrier (LEC) that serves as a billing, collection, and marketing agent for an unaffiliated Internet service provider (ISP). Section 51.605(c) provides that advanced telecommunications services (such as digital subscriber line (DSL) services) sold to ISPs as an input component to the ISPs' retail Internet service offering shall not be considered to be telecommunications services offered on a retail basis that incumbent LECs must make available for resale at wholesale rates to requesting telecommunications carriers under section 251(c)(4) of the Communications Act of 1934, as amended ("the Act"). See 47 C.F.R. § 51.605(c); 47 U.S.C. § 251(c)(4). Because Qwest performs certain billing, collection, and marketing functions for Microsoft Network, L.L.C. (MSN) under a contract, Qwest seeks clarification that the "wholesale" DSL services Qwest provides to MSN are not considered by the Commission to be "retail" services subject to resale under section 251(c)(4) of the Act.

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; 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 generally is 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).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **May 15, 2002**, and reply comments on or **before May 30, 2002**. 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).

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, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information regarding this proceeding, contact Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

- FCC -