



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS REQUESTED IN CONNECTION WITH SBC'S PENDING SECTION 271 APPLICATIONS

WC Docket No. 03-167

Comments Due: October 7, 2003

On September 29, 2003, the Commission received the attached *ex parte* filing from SBC Communications, Inc. (SBC) in the above-referenced docket.¹ This *ex parte* filing contains two Accessible Letters made available to competitive LECs in Indiana and Ohio regarding recurring charges for collocation direct current (DC) power. Specifically, the Accessible Letters allow competitive LECs in Indiana and Ohio to amend their existing interconnection agreements with SBC to include new recurring charges for DC power,² and inform them of SBC's policy of fusing DC power leads at 125 percent of the capacity requested by a competitive LEC.³

We now seek comment on this *ex parte* filing. We have established a short comment period due to the imminent deadline for ruling on SBC's section 271 application in WC Docket No. 03-167. Without deciding what reliance, if any, the Commission will place on this information, the Commission encourages interested parties to respond to this evidence. We emphasize that this public notice does not represent a decision about whether we will accord any weight to the supplemental evidence. The Commission expects that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission rely in making its determination.⁴ If parties in a section 271 proceeding choose to

¹ Letter from Geoffrey M. Klineberg, Legal Counsel for SBC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-167 (filed September 29, 2003) (SBC September 29 *Ex Parte* Letter).

² SBC September 29 *Ex Parte* Letter at Attach. A.

³ SBC September 29 *Ex Parte* Letter at Attach. B.

⁴ See *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20570, para. 49 (1997) (*Ameritech Michigan Order*). See also *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule for Ameritech Michigan Application, as amended, for*

submit new evidence, however, the Commission retains the discretion to waive the procedural rules and consider the evidence,⁵ “to start the 90-day review process anew, or to accord such evidence no weight.”⁶

Comments By Interested Third Parties. Pursuant to our procedures governing section 271 applications⁷ and sections 1.415 and 1.419 of the Commission's rules,⁸ interested parties may file comments on such information. Comments must be filed by **October 7, 2003**. We waive section 1.45 of the Commission's rules insofar as it permits reply comments. All such filings shall refer to the Commission docket number, **WC Docket No. 03-167**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. 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 .” 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).

Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of Michigan, Public Notice, 12 FCC Rcd 1197 (Com. Car. Bur. 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994 (Com Car. Bur. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 18 FCC Rcd 12203 (Com. Car. Bur. 2001) (collectively “271 Procedural Public Notices”).

⁵ See section 1.3 of the Commission's rules, 47 C.F.R. § 1.3.

⁶ *Ameritech Michigan Order*, 12 FCC Rcd at 20575, para. 57; *Application of Bell Atlantic New York 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, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3968, para. 34 (1999).

⁷ See 271 Procedural Public Notices.

⁸ 47 C.F.R. §§ 1.415, 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

The Commission's contractor, Vistronix, 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.

Parties are strongly encouraged to file comments electronically using the Commission's Electronic Comment Filing System (ECFS). Parties are also requested to send a courtesy copy of their comments via email to: janice.myles@fcc.gov; pamela.arluk@fcc.gov; jennifer.mckee@fcc.gov; jfeipel@icc.state.il.us; khenry@urc.state.in.us; nicholas.linden@psc.state.wi.us; hisham.choueiki@puc.state.oh.us; and layla.seirafinajar@usdoj.gov.

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