



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3146
October 9, 2003

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON BELL SOUTH'S PETITION FOR FORBEARANCE FROM APPLICATION OF SECTIONS 251(C)(3), (4) AND (6) IN NEW- BUILD, MULTI-PREMISES DEVELOPMENTS

WC DOCKET NO. 03-220

Comments Due: November 10, 2003

Reply Comments Due: November 25, 2003

On October 8, 2003, BellSouth Telecommunications, Inc. (BellSouth) filed a petition, pursuant to section 10 of the Communications Act of 1934, as amended (Act),¹ requesting that the Commission forbear from applying sections 251(c)(3), (4), and (6) to the BellSouth facilities used exclusively to serve New-Build, Multi-Premise Developments and to the services provided over such facilities to the end users located in such developments.² Specifically, BellSouth avers that forbearance from sections 251(c)(3), (4), and (6) in these cases would lead to more robust competition between telecommunications providers that would benefit residential and commercial real estate developers and, ultimately, provides higher quality and more affordable telecommunications services for the consumers and businesses that will occupy these developments.³

This Public Notice establishes certain procedural requirements relating to consideration of BellSouth's Petition. 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

¹ 47 U.S.C. § 160 *et seq.*

² *Petition of BellSouth Telecommunications, Inc. for Forbearance Under 47 U.S.C. 160(c) from Application of Sections 251(c)(3), (4), and (6) in New-Build, Multi-Premises Developments*, WC Docket No. 03-220 at 1-2 ("By New-Build, Multi-Premise Developments, [we] mean[] newly constructed, multi-subscriber properties, including single-family home subdivisions, Multiple Dwelling Unit (MDU) residential properties, and multiunit premises as defined at 47 C.F.R. §68.105(b), including multi-tenant commercial buildings, mixed use developments, malls, industrial parks and other similar developments where the improvements, including the telecommunications infrastructure, will be new construction.") (filed Oct. 8, 2003) (BellSouth Petition).

³ BellSouth Petition at 6.

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 section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on BellSouth's petition on or before **November 10, 2003**, and reply comments on or before **November 25, 2003**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Suite TW-A325, Washington, D.C. 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, S.W., Suite 5-C327, Washington, D.C. 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to 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.

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 that choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears 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, Natek, 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. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. 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.

Filings and comments are also 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, 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.

For further information regarding this proceeding, contact William Kehoe, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail william.kehoe@fcc.gov.

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