



# PUBLIC NOTICE

Federal Communications Commission  
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DA 03-3779  
November 24, 2003

**Pleading Cycle Established in BellSouth Petition  
For Declaratory Ruling and/or Waiver Regarding Cost Recovery  
Of Wireless Local Number Portability from End-Users**

**CC DOCKET NO. 95-116**

**COMMENTS DUE: December 22, 2003**  
**REPLY COMMENTS DUE: January 6, 2004**

BellSouth Corporation (BellSouth) on November 14, 2003, filed a Petition for Declaratory Ruling and/or Waiver of the Commission's rules regarding cost recovery of wireless local number portability (WLNP) from end-users. BellSouth seeks to establish through a declaratory ruling pursuant to section 1.2 of the Commission's rules "that wireline carriers are entitled to a reasonable opportunity to recover the costs to implement WLNP in accordance with [s]ection 251(e)(2) of the Telecommunications Act of 1996[], the Commission's cost recovery order, and its implementing rules."<sup>1</sup> BellSouth also seeks a waiver of section 52.33 of the Commission's rules "to allow BellSouth to modify its current end-user local number portability charge by extending the recovery period beyond the maximum five years and/or modifying the current rate."<sup>2</sup>

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 **December 22, 2003**, and reply comments on or before **January 6, 2004**. 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).

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<sup>1</sup> Telephone Number Portability, CC Docket No. 95-116, BellSouth Corporation Petition for Declaratory Ruling and/or Waiver at 1-2 (filed Nov. 14, 2003) (BellSouth Petition) (citing 47 C.F.R. § 1.2, 47 U.S.C. § 251(e)(2), 47 C.F.R. §§ 52.32-52.33, and *Telephone Number Portability*, CC Docket No. 95-116, RM 8535, Third Report and Order, 13 FCC Rcd 11701, 11717 n.100 (1998)).

<sup>2</sup> BellSouth Petition at 2 (citing 47 C.F.R. § 52.33).

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](mailto: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).

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.

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, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> St. SW, Suite TW-A325, Washington, DC 20554.

Two (2) copies of the comments and reply comments should also be sent to Deena Shetler, Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A221, Washington, D.C. 20554. Parties shall also serve one copy with Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 863-2893, or via email to [qualexint@aol.com](mailto:qualexint@aol.com). Documents in CC Docket No. 95-116 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from Qualex International, telephone 202-863-2893, facsimile 202-863-2898.

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 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).

For further information, contact Margaret Dailey, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.