



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2006
July 1, 2004

**PLEADING CYCLE ESTABLISHED FOR COMMENTS
ON VERIZON'S PETITION FOR A DECLARATORY RULING, OR,
ALTERNATIVELY, INTERIM WAIVER AND VERIZON'S CONDITIONAL
PETITION FOR FORBEARANCE UNDER 47 U.S.C. § 160(c) WITH REGARD TO
BROADBAND SERVICES PROVIDED VIA FIBER TO THE PREMISES**

WC Docket No. 04-242

Comments Due: July 22, 2004
Reply Comments Due: August 2, 2004

On June 28, 2004, Verizon Telephone Companies ("Verizon") filed two petitions with the Commission regarding its deployment of fiber-to-the-premises (FTTP) infrastructure. In its first petition, Verizon requests that the Commission either issue a declaratory ruling regarding broadband service provided via FTTP or, alternatively, waive its common carrier and Title II rules for an interim period in the same manner as currently applied to cable modem service providers.¹ In its second petition, Verizon requests that, in absence of a declaratory ruling, the Commission should exercise its forbearance authority pursuant to section 10 of the Communications Act of 1934, as amended,² to provide interim regulatory relief for such services until an appropriate regulatory framework for broadband services has been established.³ In support of its petitions, Verizon asserts that it plans to offer FTTP broadband services under circumstances that parallel those at issue in the Commission's *Cable Modem Declaratory Ruling*.⁴ Like those companies, Verizon states that it intends to provide video, high-speed

¹ *Petition of the Verizon Telephone Companies for Declaratory Ruling, or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided via Fiber to the Premises*, WC Docket No. 04-242 (filed June 28, 2004) (Verizon Declaratory Petition).

² *See* 47 U.S.C. § 160 *et seq.* (2002).

³ *Conditional Petition of the Verizon Telephone Companies for Forbearance Under 47 U.S.C. § 160(c) with Regard to Broadband Services Provided via Fiber to the Premises*, WC Docket No. 04-242 (filed June 28, 2004) (Verizon Forbearance Petition).

⁴ *See* Verizon Declaratory Petition at 2; *see also* Declaratory Ruling and Notice of Proposed Rulemaking, *Inquiry Concerning High-Speed Access to Internet over Cable and Other Facilities* ("Cable Modem Declaratory

Internet access, and voice services over its FTTP network, and to obtain cable franchises for its video offerings. Accordingly, Verizon argues that the Commission should afford FTTP broadband services the same regulatory treatment as cable modem services.⁵ In the alternative, Verizon requests waivers and/or interim forbearance to create a level regulatory playing field for FTTP broadband services and cable modem services until the Commission has completed its consideration of appropriate rules for broadband services. Verizon argues that the need for its relief is time sensitive as Verizon is nearing deployment of its multi-faceted broadband offering in less than two months.⁶

This Public Notice establishes certain procedural requirements relating to consideration of Verizon's two petitions. 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 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 Verizon's petitions on or before **July 22, 2004** and reply comments on or before **August 2, 2004**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.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

Ruling"), 177 FCC Rcd 4798, 4847-48, para. 95 (2002), *vacated in part, Brand X Internet Servs. v. FCC*, 345 F.3d 1120 (9th Cir. 2003), *petitions for cert. pending*.

⁵ Verizon Declaratory Petition at 2.

⁶ See Verizon Forbearance Petition at 1-2.

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, 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.

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, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

For further information regarding this proceeding, contact Pamela Arluk, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail pamela.arluk@fcc.gov.

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