



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2883

Released: September 3, 2004

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON SBC PETITION FOR DECLARATORY RULING OR WAIVER OF OSS "SAME ACCESS" REQUIREMENT

CC DOCKET NOS. 95-20, 98-10

Comments Due: October 4, 2004
Reply Comments Due: October 19, 2004

On August 11, 2004, SBC Communications Inc. (SBC) filed a petition for declaratory ruling or waiver regarding a 1990 Open Network Architecture order which required the Bell Operating Companies (BOCs) to provide the "same access" to unaffiliated enhanced service providers as is utilized by the BOCs' affiliated enhanced services operations. (SBC filed an *erratum* to its petition on August 17, 2004.) SBC states in its petition that the OSS "same access" requirement will thwart relief the Commission intended to provide the BOCs in its *OI&M Order*.¹ SBC asks that the Commission either repeal the requirement or, alternatively, waive it so that SBC's enhanced services operations can share operations, installation, maintenance, and other services in the same manner as other SBC affiliates, without legal risk.

This public notice establishes certain procedural requirements relating to consideration of SBC'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 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 SBC's petition on or before **October 4, 2004**, and reply comments on or before **October 19, 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. One (1) courtesy

¹ See *Report and Order and Memorandum Opinion and Order*, Section 272(b)(1)'s "Operate Independently" Requirement for Section 272 Affiliates, 19 FCC Rcd 5102 (OI&M Order).

copy must be delivered to Janice M. Myles at the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C140, 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 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, 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 Brad Koerner, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail, brad.koerner@fcc.gov.

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