



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 05-3131

Released: December 2, 2005

**CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON
AN APPLICATION FOR REVIEW FILED BY THE RURAL LOCAL
EXCHANGE CARRIERS (LECs)**

CC Docket No. 94-129

Comments Due: 10 Days After Publication in the Federal Register
Reply Comments Due: 15 Days After Publication in the Federal Register

On February 1, 2005, a group of rural local exchange carriers (“Rural LECs”) filed a Petition for Declaratory Ruling (“Petition”) with the Commission regarding the obligations of local exchange carriers when executing primary interexchange carrier changes.¹ The Petition requested a Commission declaration that the Commission’s rules do not prohibit the practice by rural LECs of rejecting requests from Interexchange Carriers (“IXCs”) to change a subscriber’s Preferred Interexchange Carrier (“PIC”) where the name or telephone number on the request does not match that of the subscriber of record or person authorized by the subscriber to make changes to the account.² On June 9, 2005, the Consumer & Governmental Affairs Bureau (“Bureau”) issued a Declaratory Ruling (“Ruling”) denying the Petition filed by the Rural LECs regarding the Commission’s carrier change verification rules.³ On July 8, 2005, the Rural LECs submitted an application for review requesting that the Bureau’s Ruling be reversed and their Petition granted.⁴ In this Public Notice, the Bureau seeks comment on the issues raised by the Rural LECs.

The Rural LECs argue that the Bureau’s Ruling misreads their Petition, the Communications Act, the Commission’s rules, and the law of agency. According to the Rural LECs, the Bureau ignored relevant appellate interpretation of the rules at issue and decided a significant question of law and policy not previously resolved by the Commission.⁵ Accordingly, the Rural LECs ask that the Bureau’s Ruling be vacated and their Petition granted.

¹ See The Rural LECs, Petition for Declaratory Ruling with Respect to Obligations of Local Exchange Carriers to Execute Primary Interexchange Carrier Changes with Incorrect Subscriber Information, filed February 1, 2005 by 3 Rivers Telephone Cooperative, et al (“Petition”).

² *Id.* at 9.

³ *Declaratory Ruling*, CC Docket No. 94-129, DA 05-1618, released June 9, 2005 (“Ruling”).

⁴ See The Rural LECs, Application for Review, filed July 8, 2005.

⁵ *Id.* at 2-3.

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 in this proceeding on or before the 10th day after publication of this Public Notice in the Federal Register, and reply comments may be filed on or before the 15th day after publication of this Public Notice in the Federal Register. When filing comments, please reference CG Docket No. 02-278. 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. 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 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 send an original and three (3) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, 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 will receive hand-delivered or messenger-delivered paper filings or electronic media 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 and electronic media sent by 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. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204, Washington, DC 20554.

This proceeding shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 C.F.R. § 1.1200. 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).

The full text of this document and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact the Commission's contractor at their web site: www.bcpiweb.com or by calling 1-800-378-3160.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format) send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This Public Notice can also be downloaded in Word or Portable Document Format (PDF) at <http://www.fcc.gov/egb>.

FOR FURTHER INFORMATION CONTACT: David Marks, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-2512 (voice), David.Marks@fcc.gov.