



PUBLIC NOTICE

Federal Communications Commission
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DA 06-32

Released: January 6, 2006

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION FOR EXPEDITED
DECLARATORY RULING REGARDING SECTION 253 OF THE COMMUNICATIONS ACT
FILED BY TELEFÓNICA LARGA DISTANCIA DE PUERTO RICO, INC.**

WC Docket No. 06-1

Comments Due: January 26, 2006

Reply Comments Due: February 6, 2006

On December 20, 2005, Telefónica Larga Distancia de Puerto Rico, Inc. (“TLD”) filed a petition requesting that the Commission issue an expedited declaratory ruling establishing that the Puerto Rico Telephone Company’s (“PRTC”) pending “Single Zone Plan” tariff with the Junta Reglamentadora de Telecomunicaciones de Puerto Rico (“Puerto Rico Board” or “the Board”) would violate section 253(a) of the Communications Act of 1934, as amended (“Act”).¹ Accordingly, TLD asserts that a Commission finding of such violation would subject any future tariff approval by the Puerto Rico Board to preemption under section 253(d) of the Act. Alternatively, TLD requests that were the Puerto Rico Board to approve or permit the tariff to go into effect prior to a Commission ruling on its Petition, the Commission should find that such action is preempted under Section 253.

In its petition, TLD explains that it is a competitive provider of intrastate (intra-island), interstate, and international telecommunications service to residential and business customers in Puerto Rico. Generally, it argues that the Single Zone Plan will completely eliminate the intrastate telecommunications market in Puerto Rico. TLD asserts that the plan requires all subscribers to PRTC’s residential local exchange service to purchase bundled local and intrastate long distance service from PRTC. TLD further asserts that PRTC is the incumbent local exchange carrier in Puerto Rico, and that because virtually all residential customers subscribe to PRTC’s local exchange service, the Single Zone Plan would eliminate demand for intrastate long distance service from other providers. TLD states that approval of the Single Zone Plan tariff is currently pending before the Puerto Rico Board with hearings scheduled for February 6-8, 2006, and a Board decision scheduled for March 6, 2006.²

On December 22, 2005, TLD supplemented its petition to report that the proposed effective date

¹ Telefónica Larga Distancia de Puerto Rico, Petition for Expedited Declaratory Ruling, WC Doc. No. 06-1 (filed Dec. 20, 2005).

² Telecommunications Regulatory Board of Puerto Rico, Case Nos. JRT-2005-Q-0121; JRT-2005-Q-0128; JRT-2003-Q0297; JRT-2004-Q-0068.

for the tariff had been officially changed from January 6 to April 7, 2006.³ On December 29, 2005, the Puerto Rico Board filed comments, indicating that TLD's request for expedited action is unnecessary because the Puerto Rico Board does not anticipate ruling on the tariff any earlier than March 6, 2006.⁴ The Board requested that the Commission provide interested parties the normal 30 days to submit comments, as previously established by the Commission.⁵ TLD responded to the Puerto Rico Board's filing, stating that the expedited treatment is still necessary because the Commission needs adequate time to analyze the issues raised in the record and because the Puerto Rico Board has no legal obligation to maintain PRTC's proposed April 7, 2006 date to effectuate the tariff.⁶

This Public Notice establishes certain procedural requirements relating to consideration of TLD'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 is generally required. See 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b). The Commission expects to be kept informed, through *ex parte* presentations, of any discussions between the petitioner and other parties or relevant governmental entities regarding resolution of the issues raised in the petition, consistent with relevant Commission requirements.

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 **January 26, 2006** and reply comments on or before **February 6, 2006**. All filings should refer to **WC Docket No. 06-1**. In preparing comments and other submissions, parties may want to familiarize themselves with the Commission's suggested guidelines for section 253 filings.⁷

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

³ Letter from Brett A. Snyder, Attorney for TDS, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-1 (filed Dec. 22, 2005). In its Petition, TLD explained that the Puerto Rico Board had indicated informally that the tariff would not go into effect until its March 6, 2006 decision, but noted that as of the date of its filing, the Board had not issued a formal order.

⁴ Comments of the Telecommunications Regulatory Board of Puerto Rico, WC Docket No. 06-1 (filed Dec. 29, 2005).

⁵ *Suggested Guidelines for Petitions for Ruling under Section 253 of the Communications Act*, Public Notice, FCC 98-295, (rel. Nov. 17, 1998).

⁶ Letter from Brett A. Snyder, Attorney for TDS, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-1 (filed Dec. 29, 2005).

⁷ See *supra* at n. 5.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: 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 appears in the caption of this proceeding, filers 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). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 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, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 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, Washington, DC 20554. Parties should also send a copy of their filings to Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, DC 20554, or by e-mail to janice.myles@fcc.gov. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202)488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **WC Docket No. 06-1** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202)488-5300, facsimile (202)488-5563, TTY (202)488-5562, e-mail fcc@bcpiweb.com. People with Disabilities: 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), (202)418- 0432 (TTY).

For further information regarding this proceeding, contact Jon Minkoff, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580.

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