



PUBLIC NOTICE

Federal Communications Commission
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DA 06-49
January 11, 2006

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
UNITED POWER LINE COUNCIL'S PETITION FOR DECLARATORY RULING
REGARDING THE CLASSIFICATION OF BROADBAND OVER POWER LINE INTERNET
ACCESS SERVICE AS AN INFORMATION SERVICE**

WC Docket No. 06-10

Comments Due: February 10, 2006
Reply Comments Due: February 27, 2006

On December 23, 2005, the United Power Line Council (UPLC) filed a petition for declaratory ruling requesting that the Commission issue a ruling that broadband over power line-enabled Internet access service (BPL) is an information service as defined in the Communications Act of 1934, as amended.¹ In its petition, UPLC argues that BPL is like other broadband services, including cable modem service and Digital Subscriber Lines (DSL), that are classified as information services and thus BPL should be classified as an information service. Additionally, UPLC asserts that classifying BPL as an information service would serve the public interest because it would remove regulatory uncertainty and promote broadband access and competition. Further, UPLC avers that the Commission can issue a declaratory ruling based on the existing record in several proceedings.

This Public Notice establishes certain procedural requirements relating to consideration of UPLC'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).

Interested parties may file comments on or before **February 10, 2006** and reply comments on or before **February 27, 2006**. All filings should refer to **WC Docket No. 06-10**. 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).

¹ See 47 U.S.C. § 153(20).

- 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, 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, Express, 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, S.W., Washington, D.C. 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, S.W., Washington, D.C. 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, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **WC Docket No. 06-10** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 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 Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, (202) 418-7280.

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