



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 07-209
January 30, 2007

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
PETITIONS FOR RULEMAKING AND CLARIFICATION
REGARDING THE COMMISSION'S RULES APPLICABLE TO
RETIREMENT OF COPPER LOOPS AND COPPER SUBLOOPS**

RM-11358

Comments Due: March 1, 2007
Reply Comments Due: April 2, 2007

On January 18, 2007, BridgeCom International, Inc.; Broadview Networks, Inc.; Cavalier Telephone, LLC; Eureka Telecom, Inc. d/b/a InfoHighway Communications; Florida Digital Network, Inc. d/b/a FDN Communications; IDT Corporation; Integra Telecom, Inc.; DeltaCom, Inc.; McLeodUSA Telecommunications Services, Inc.; Mpower Communications Corp.; Norlight Telecommunications, Inc.; Pacific Lightnet, Inc.; RCN Telecom Services, Inc.; RNK, Inc.; Talk America Holdings, Inc.; TDS Metrocom, LLC; and U.S. Telepacific Corp. d/b/a Telepacific Telecommunications filed a Petition for Rulemaking and Clarification requesting that the Commission issue a notice of proposed rulemaking to establish certain safeguards for incumbent local exchange carrier (LEC) copper loop retirement, and in the interim, to clarify certain existing rules regarding copper loop retirement.¹ The petition argues that the copper loop is a “third wire” into the home that is capable of providing video, Internet access, and voice services, and therefore these copper loops should be retained for competitive service providers.

On January 18, 2007, XO Communications, LLC; Covad Communications Group, Inc.; NuVox Communications; and Eschelon Telecom, Inc. filed a Petition for Rulemaking requesting that the Commission initiate a rulemaking to amend certain sections of its Part 51 rules applicable to the retirement of copper loops and copper subloops by the incumbent LECs.² The petition

¹ See Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, BridgeCom International *et al.* Petition for Rulemaking and Clarification (filed Jan. 18, 2007).

² See Petition of XO Communications, LLC, Covad Communications Group, Inc., NuVox Communications and Eschelon Telecom, Inc. for a Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops (filed Jan. 18, 2007).

argues that current copper loop retirement rules do not adequately safeguard against discriminatory and anticompetitive modifications to incumbent LEC networks, and allow incumbent LECs to eliminate network alternatives that might otherwise prove essential for network redundancy in times of homeland security crises and natural disasters. The Petitioners requested that the Commission consider the two petitions in a consolidated proceeding.³

This Public Notice establishes certain procedural requirements relating to consideration of the BridgeCom International, Inc. *et al.* Petition for Rulemaking and Clarification, and the XO Communications *et al.* Petition for Rulemaking. 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 1.405 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.405, 1.419, interested parties may file comments on the petitions on or before March 1, 2007 and reply comments on or before April 2, 2007. 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., 445 12th Street, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

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

- 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

³ See Letter from Brad E. Mutschelknaus *et al.*, Counsel for XO Communications, and Andrew D. Lipman *et al.*, Counsel for BridgeCom International, Inc., to Marlene H. Dortch, Secretary, FCC (dated Jan. 18, 2007).

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.

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).

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 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

For further information regarding this proceeding, contact Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, (202) 418-7280, or via e-mail at Adam.Kirschenbaum@fcc.gov.