



PUBLIC NOTICE

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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE MOTION OF
COVAD COMMUNICATIONS GROUP, NUVOX COMMUNICATIONS, INC., AND XO
COMMUNICATIONS, LLC FOR EXPEDITED ORDER ON VERIZON PETITION FOR
FORBEARANCE**

PLEADING CYCLE ESTABLISHED

WC Docket No. 04-440

Comment Date: August 13, 2007
Reply Comment Date: August 17, 2007

In this Notice, the Wireline Competition Bureau seeks comment on a petition filed by Covad Communications Group, NuVox Communications, Inc., and XO Communications, LLC (jointly, Petitioners) requesting that the Commission issue a written order addressing the Verizon Telephone Companies' (Verizon) petition seeking forbearance from certain regulatory requirements applicable to its provision of broadband services.¹ Specifically, Petitioners seek either a written order denying Verizon any regulatory forbearance for its broadband services, or an order expressly limiting the grant of forbearance to the particular types of broadband services and the Title II regulations specified by Verizon in its February 7, 2006 *ex parte* letter.² Petitioners request that the Commission address the merits of the Verizon broadband forbearance petition prior to the expiration of the statutory deadline for Commission action on pending forbearance petitions seeking similar relief filed by Qwest Corp., AT&T Inc., BellSouth Corp., Frontier and Citizens, and the Embarq local operating companies.³

Interested parties may file comments on the petition on or before **August 13, 2007** and reply comments on or before **August 17, 2007**. All pleadings are to reference **WC Docket No.**

¹ See Petition of the Verizon Telephone Companies for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services, WC Docket No. 04-440 (filed Dec. 20, 2004) (Verizon Forbearance Petition); Motion for Expedited Order on Verizon Petition for Forbearance, WC Docket No. 04-440 (filed July 25, 2007) (*Covad et al. Motion*). On March 19, 2006, the Verizon Forbearance Petition was deemed granted by operation of law. See *Verizon Telephone Companies' Petition for Forbearance from Title II and Computer Inquiry Rules with Respect to their Broadband Services Is Granted by Operation of Law*, News Release, WC Docket No. 04-440, 2006 WL 707632 (2006). Multiple parties petitioned for review, and the consolidated appeals are currently pending in the U.S. Court of Appeals for the D.C. Circuit. See *Sprint Nextel Corp. v. FCC*, Case No. 06-1111 (D.C. Cir.).

² See *Covad et al. Motion* at 1 & n.2.

³ We note that the statutory deadlines for each of these forbearance petitions have been extended, see *Covad et al. Motion* at n.4, and that the deadline for the Qwest petition will be the first to occur, on September 11, 2007. See *Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect To Broadband Services*, WC Docket No. 06-125, Order, DA 07-2399 (WCB rel. June 8, 2007).

04-440. 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.⁴

- **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, 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, 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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

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 shall 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.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Documents in WC Docket No. 04-440 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, 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. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

For further information, contact Heather Hendrickson of the Competition Policy Division, Wireline Competition Bureau, at (202) 418-7295.

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