# PUBLIC NOTICE

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

**News Media Information 202 / 418-0500**
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**DA 08-94**
**Released: January 14, 2008**

**PLEADING CYCLE ESTABLISHED FOR PETITION OF THE EMBARQ LOCAL OPERATING COMPANIES FOR FORBEARANCE FROM ENFORCEMENT OF SECTION 69.5(a) OF THE COMMISSION'S RULES, SECTION 251(b) OF THE COMMUNICATIONS ACT AND COMMISSION ORDERS ON THE ESP EXEMPTION**

**WC Docket No. 08-8**

**COMMENTS DUE: February 19, 2008**
**REPLY COMMENTS DUE: March 14, 2008**

By this Public Notice, we seek comment on a petition filed January 11, 2008 by the Embarq Local Operating Companies (Embarq) asking the Commission to forbear pursuant to section 160(c) of the Communications Act (Act), as amended, from "enforcing the ESP exemption, as adopted by Commission orders" and from "applying section 69.5(a) of its rules to IP-originated voice traffic that terminates on the PSTN."[1] In addition, Embarq requests that the Commission "forbear from enforcing 47 U.S.C. section 251(b)(5) of the Act" on "non-local traffic terminated as voice traffic on the PSTN."[2]

Interested parties may file comments on the Embarq petition for forbearance on or before **February 19, 2008** and reply comments on or before **March 14, 2008** pursuant to sections 1.415 and 1.419 of the Commission's rules.[3] Filings in this proceeding should be captioned "In the Matter of Petition of Embarq for Forbearance from Section 69.5(a) of the Commission's Rules, Section 251(b) of the Communications Act and Commission Orders on the ESP Exemption" and filed in WC Docket No. 08-8.

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 courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at lynne.engledow@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or

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[1] Petition of the Embarq Local Operating Companies for Limited Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Rule 69.5(a), 47 U.S.C. § 251(b), and Commission Orders on the ESP Exemption at 17 (filed Jan. 11, 2008) (Embarq Forbearance Petition); *see also* 47 U.S.C. § 160(c).

[2] *Id*.

[3] 47 C.F.R. §§ 1.415, 1.419.

by filing paper copies.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://www.fcc.gov/cgb/ecfs/. 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 <your email address>. 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. **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

  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, Marlene H. Dortch, 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 a.m. to 7 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 at fcc@bcpiweb.com.

This Public Notice establishes certain procedural requirements relating to consideration of the Embarq petition for forbearance. This matter shall be treated as a "permit-but-disclose" proceeding in

accordance with the Commission's *ex parte* rules.[4] 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.[5] 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.[6]

For further information regarding this proceeding, contact Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, 202-418-1520, or via e-mail at lynne.engledow@fcc.gov.

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[4] *See* 47 C.F.R. §§ 1.1200, 1.1206.

[5] *See* 47 C.F.R. § 1.1206(b).

[6] 47 C.F.R. § 1.1206(b).