



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2590
December 14, 2009

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION FOR EXPEDITED RULEMAKING REGARDING SECTION 271 UNBUNDLING OBLIGATIONS

WC Docket No. 09-222

Comments: January 12, 2010

Reply Comments: February 10, 2010

On November 9, 2009, 360networks (USA) inc., Broadview Networks, Inc., Cbeyond, Inc., COMPTTEL, Covad Communications Company, NuVox, PAETEC Holding Corp., Sprint Nextel Corporation, and tw telecom inc. (collectively, the Section 271 Coalition) filed a petition with the Federal Communications Commission (Commission) for expedited rulemaking seeking adoption of rules to govern the provision of certain network elements by Bell Operating Companies (BOCs) pursuant to section 271(c)(2)(B) of the Communications Act of 1934, as amended (Act).¹

The Section 271 Coalition asserts that facilities-based competitors continue to rely, in many locations, on BOC loops and transport facilities to reach end users and aggregation locations. The Section 271 Coalition states that access to these facilities, pursuant to the section 271(c)(2)(B) competitive checklist, is therefore “essential to enable narrowband and broadband competition.”² Accordingly, the Section 271 Coalition proposes specific rules to govern the provision of elements by the BOCs, as required by the section 271 checklist, that it claims “would establish clear requirements describing what constitutes each individual Checklist item, as well as to give effect to the just and reasonable rate standard that the Commission has previously determined applies to the Checklist Elements.”³ The Coalition requests that the Commission adopt its proposed rules on an expedited basis.⁴

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 See 360networks (USA) inc., Broadview Networks, Inc., Cbeyond, Inc., COMPTTEL, Covad Communications Company, NuVox, PAETEC Holding Corp., Sprint Nextel Corporation, and tw telecom inc. Petition for Expedited Rulemaking to Adopt Rules Pertaining to the Provision by Regional Bell Operating Companies of Certain Network Elements Pursuant to 47 U.S.C. § 271(c)(2)(B) of the Act, WC Docket No. 09-222 (filed Nov. 9, 2009) (Section 271 Coalition Petition); see also 47 U.S.C. § 271(c)(2)(B) (competitive checklist).

² Section 271 Coalition Petition at 2.

³ *Id.* at 25; see also *id.*, Attach. A (enumerating the proposed rules).

⁴ *Id.* at 6.

§ 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).

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. Parties should also send a copy of their filings to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, or by e-mail to CPDcopies@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.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- 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.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **PLEASE NOTE:** Through December 24, 2009, 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. This filing location will be permanently closed after December 24, 2009. The filing hours at both locations are 8:00 a.m. to 7:00 p.m.
- 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).

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@bcpweb.com.

For further information regarding this proceeding, contact Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, 202-418-7295.

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