



# PUBLIC NOTICE

Federal Communications Commission  
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DA 10-1423  
July 29, 2010

## COMMENT SOUGHT ON CRC COMMUNICATIONS OF MAINE AND TIME WARNER CABLE PETITION FOR PREEMPTION

WC Docket No. 10-143

**Comments Due: August 30, 2010**  
**Reply Comments Due: September 13, 2010**

On July 15, 2010, CRC Communications of Maine, Inc. (CRC) and Time Warner Cable Inc. (TWC) filed a petition pursuant to sections 1.1 and 1.2 of the Commission's rules and section 253 of the Communications Act of 1934, as amended (the Act) requesting that the Commission issue an order preempting the Maine Public Utilities Commission's (Maine PUC) interpretation of section 251 of the Act (hereafter CRC/TWC Petition).<sup>1</sup> The Maine PUC concluded that until the rural exemption in section 251(f) is terminated, rural local exchange carriers (LECs) are not required to negotiate agreements with competitive carriers under sections 251(a) and 251(b), and that such requests are not subject to arbitration under section 252.

The petitioners argue that the Maine PUC decision denied CRC's basic right to interconnect and exchange traffic pursuant to sections 251(a) and 251(b) of the Act, and in turn, blocked CRC from offering wholesale telecommunications services and TWC from offering its interconnected VoIP services in certain rural areas of Maine. CRC and TWC assert that the Maine PUC's decision is inconsistent with the plain language of the Act and Commission precedent. We seek comment on the CRC/TWC Petition, and in particular, on the arguments presented in the petition regarding interconnection obligations under section 251 and 252.

We note that the National Broadband Plan recommended that the Commission clarify certain interconnection rights of competing carriers of rural incumbent telephone companies,<sup>2</sup> which the Broadband Action Agenda proposed addressing in the third quarter of 2010.<sup>3</sup> We seek comment on whether the Commission should temporarily delay acting on that item to enable it to address the broader set of related interconnection issues raised by the CRC/TWC Petition at the same time.

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<sup>1</sup> Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act, as Amended, WC Docket No. 10-143 (filed July 15, 2010), available at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020548316>.

<sup>2</sup> CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN, Recommendation 4.10., p. 49 available at: <http://www.broadband.gov/download-plan/>.

<sup>3</sup> See <http://www.broadband.gov/plan/broadband-action-agenda.html>.

Interested parties may file comments on the CRC/TWC Petition on or before **August 30, 2010** and reply comments on or before **September 13, 2010**. Filings in this proceeding should be captioned “Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act, as Amended” and filed in **WC Docket No. 10-143**.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>4</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply. 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, commenters 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). Parties are strongly encouraged to file comments electronically using the Commission’s ECFS. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

- 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 12<sup>th</sup> 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. The filing hours at this location 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 must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Parties shall 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](mailto:fcc@bcpiweb.com).

Documents in WC Docket No. 10-143 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. S.W., Room CY-A257, Washington, DC 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](mailto:fcc@bcpiweb.com).

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the *ex parte* rules.<sup>5</sup> 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.<sup>6</sup> Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the rules.<sup>7</sup>

For further information, contact Melissa Kirkel, Competition Policy Division, Wireline Competition Bureau, at (202) 418-7958.

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<sup>5</sup> 47 C.F.R. § 1.1200 *et seq.*

<sup>6</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>7</sup> 47 C.F.R. § 1.1206(b).