



PUBLIC NOTICE

Federal Communications Commission
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DA 10-405
March 10, 2010

COMMENT SOUGHT ON PUERTO RICO TELEPHONE COMPANY'S PETITION FOR WAIVER OF STRUCTURAL SEPARATION REQUIREMENTS

PLEADING CYCLE ESTABLISHED

WC Docket No. 10-52

Comments: April 9, 2010

Reply Comments: April 26, 2010

On January 26, 2010, Puerto Rico Telephone Company, Inc. (PRT) and Puerto Rico Telephone Larga Distancia, Inc. (PRTLTD) filed a petition for waiver of the structural separation requirements in section 64.1903 of the Commission's rules.¹ That rule requires every independent incumbent local exchange carrier (LEC) that provides in-region, interstate, interexchange telecommunications services or in-region, international interexchange services, other than through resale, to do so through a separate affiliate that meets certain requirements.² PRT is an independent incumbent LEC that provides in-region, interstate, interexchange telecommunications services and in-region, international interexchange services through PRTLTD, which is a section 64.1903 affiliate.

In their petition, PRT and PRTLTD contend that the section 64.1903 structural separation requirements are not necessary to protect telecommunications competition in Puerto Rico, and that application of those requirements to PRT and PRTLTD imposes unnecessary costs and creates significant inefficiencies.³ PRT and PRTLTD argue that their continued compliance with those requirements therefore is not in the public interest.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 Petition of Puerto Rico Telephone Company, Inc. and Puerto Rico Telephone Larga Distancia, Inc. for Waiver of Section 64.1903 of the Commission's Rules, WC Docket No. 10-52 (filed Jan. 26, 2010) (Petition).

² 47 C.F.R. § 64.1903. Specifically, the separate affiliate must maintain books of account separate from those maintained by the independent incumbent LEC, purchase tariffed services from the independent incumbent LEC pursuant to the incumbent LEC's tariffs, and not jointly own transmission or switching facilities with the independent incumbent LEC. 47 C.F.R. § 64.1903(a).

³ Petition at 1.

⁴ *Id.*

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).

Interested parties may file comments on or before **April 9, 2010**, and reply comments on or before **April 26, 2010**. All pleadings should reference **WC Docket No. 10-52**.

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, D.C. 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, D.C. 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, D.C. 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, D.C. 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 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, D.C. 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, D.C. 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, D.C., 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

For further information regarding this proceeding, contact William Kehoe, Competition Policy Division, Wireline Competition Bureau, 202-418-1580.

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