



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 11-1879  
November 10, 2011

## COMMENT SOUGHT ON PETITION SEEKING REVERSE OF FORBEARANCE GRANTED TO VERIZON TELEPHONE COMPANIES BY OPERATION OF LAW

### PLEADING CYCLE ESTABLISHED

Docket No. WC 11-188

Comments: December 20, 2011  
Reply Comments: January 19, 2012

On October 4, 2011, tw telecom inc., BT Americas Inc., the Ad Hoc Telecommunications Users Committee, Computer & Communications Industry Association, EarthLink, Inc., and Sprint Nextel Corporation (collectively, Petitioners) filed a petition<sup>1</sup> to reverse in part the forbearance granted to the Verizon Telephone Companies (Verizon) by operation of law on March 19, 2006.<sup>2</sup> In particular, Petitioners ask the Commission to reverse the forbearance from (1) general Title II economic requirements that apply to non-dominant common carriers or local exchange carriers (LECs); (2) Title II public policy requirements that apply generally to all telecommunications carriers; and (3) the Bell Operating Company (BOC)-specific *Computer Inquiry* requirements to the extent that they impose the same transmission access and nondiscrimination requirements that apply to all non-BOC, facilities-based wireline carriers in their provision of enhanced services.<sup>3</sup> Petitioners contend this will restore regulatory parity between Verizon and its similarly situated competitors for non-TDM-based services such as Ethernet, ATM and SONET.<sup>4</sup>

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<sup>1</sup> Petition of tw telecom inc. et al. to Establish Regulatory Parity in the Provision of Non-TDM-Based Broadband Transmission Services, WC Docket No. 11-188 (filed Oct. 4, 2011) (Petition).

<sup>2</sup> See 47 U.S.C. § 160; *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*, WC Docket No. 04-440, News Release (Mar. 20, 2006), *review denied*, *Sprint Nextel Corp. v. FCC*, 508 F.3d 1129 (D.C. Cir. 2007); Petition of the Verizon Telephone Companies for Forbearance, WC Docket No. 04-440 (filed Dec. 20, 2004).

<sup>3</sup> See Petition at 10–13.

<sup>4</sup> See, e.g., Petition at 2, 14. The Commission previously declined to grant certain of Verizon's competitors forbearance from the requirements described above in prior forbearance proceedings. See *Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Broadband Services*, Memorandum Opinion and Order, WC Docket No. 06-125, 23 FCC Rcd 12260 (2008) (*Qwest Enterprise* (continued....))

Parties may file comments on or before **December 20, 2011** and reply comments on or before **January 19, 2012**. All pleadings should reference **WC Docket No. 11-188**.

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](mailto: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](mailto: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://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](mailto: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

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*Broadband Forbearance Order*); *Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of Computer Inquiry & Certain Title II Common-Carriage Requirements*; *Petition of the Frontier and Citizens ILECs for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services*, Memorandum Opinion and Order, WC Docket No. WC 06-147, 22 FCC Rcd 19478 (2007), *aff'd sub nom. Ad Hoc Telecom. Users Committee v. FCC*, 572 F.3d 903 (D.C. Cir. 2009); *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*; *Petition of BellSouth Corporation for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, Memorandum Opinion and Order, WC Docket No. 06-125, 22 FCC Rcd 18705 (2007) (*AT&T Enterprise Broadband Forbearance Order*), *aff'd sub nom. Ad Hoc Telecom. Users Committee v. FCC*, 572 F.3d 903 (D.C. Cir. 2009).

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 12<sup>th</sup> 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](mailto: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@bcpiweb.com](mailto:fcc@bcpiweb.com).

*Ex Parte Rules.* This Public Notice establishes certain procedural requirements relating to consideration of the National Cable and Telecommunications Association Petition. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should

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

familiarize themselves with the Commission's *ex parte* rules.

For further information regarding this proceeding, contact Tim Stelzig, Competition Policy Division, Wireline Competition Bureau, 202-418-0942.

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