PUBLIC NOTICE

Federal Communications Commission
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DA 11-353
Feb. 25, 2011

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR DECLARATORY RULING ASKING TO CLARIFY THE SCOPE OF SECTION 332(c)(3)(A)

WT Docket No. 11-35

Comments Due: April 11, 2011
Reply Comments Due: May 11, 2011

On December 3, 2010, CTIA-The Wireless Association (Petitioners) filed a petition for declaratory ruling (Petition) asking the Commission to clarify "the scope of Section 332(c)(3)(A)'s ban on state and local entry regulation."[1] The Petitioners state that the Connecticut Department of Public Utility Control (Connecticut PUC) "ordered that wireless providers must apply for and obtain a Certificate of Public Convenience and Necessity (CPCN) from the [Connecticut PUC] before they can request permission to access public rights-of-way."[2] The Petitioners ask the Commission to declare that Connecticut's CPCN requirement is a form of entry regulation that is prohibited by Section 332(c)(3)(A).[3] The Wireless Telecommunications Bureau seeks comment on the Petition.

This Public Notice establishes certain procedural requirements relating to consideration of the Petition. 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 is generally required. *See* 47 C.F.R. § 1.1206(b). Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

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[1] In the Matter of Petition of CTIA-The Wireless Association for Declaratory Ruling to Clarify Provisions of Section 332(c)(3)(A) and to Declare that Connecticut's CPCN Requirement is Entry Regulation, filed Dec. 3, 2010 at i (Petition).

[2] *Id*.

[3] *See* 47 U.S.C. § 332(c)(3)(A).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- 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.

  - 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. The filing hours are 8:00 a.m. to 7:00 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, S.W., 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 & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, 202-418-1310.

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