



PUBLIC NOTICE

Federal Communications Commission
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DA 11-651
April 8, 2011

COMMENT SOUGHT ON PUERTO RICO TELEPHONE COMPANY'S SUPPLEMENTAL FILING IN CONNECTION WITH PETITION FOR WAIVER OF STRUCTURAL SEPARATION REQUIREMENTS

PLEADING CYCLE ESTABLISHED

WC Docket No. 10-52

Comments: May 6, 2011

Reply Comments: May 23, 2011

On March 23, 2011, Puerto Rico Telephone Company, Inc. (PRT) submitted a supplemental filing in connection with its January 26, 2010 petition for waiver of the structural separation requirements for long distance services in section 64.1903 of the Commission's rules.¹ That rule requires independent incumbent local exchange carriers (LECs) that provide in-region, interstate, interexchange telecommunications services or in-region, international interexchange services, other than through resale, to do so through separate affiliates that meet certain requirements.²

PRT's March 23 filing was in response to the Wireline Competition Bureau's December 23, 2010 Order conditionally granting, in part, PRT's waiver petition.³ Among other actions, the *PRT Waiver Order* deferred temporarily application of dominant carrier regulation to any in-region, interstate and international, long distance services PRT provides other than through a rule 64.1903 separate affiliate. This temporary deferral was conditioned upon PRT filing, within 90 days of the Order's effective date (*i.e.*, by March 23, 2011), "evidence intended to show that PRT lacks classical market power in relation to

¹ Letter from Bennett L. Ross, Counsel for PRT, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-52 (filed Mar. 23, 2011) (PRT March 23 Filing); 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 of Puerto Rico Telephone Company, Inc. and Puerto Rico Telephone Larga Distancia, Inc. for Waiver of Section 64.1903 of the Commission's Rules*, Memorandum Opinion and Order, WC Docket No. 10-52, DA 10-2418 (WCB rel. Dec. 23, 2010) (*PRT Waiver Order*).

its in-region, interstate and international, long distance services.”⁴ PRT’s March 23 filing seeks to provide such evidence.⁵

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. 1.1206(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 **May 6, 2011**, and reply comments on or before **May 23, 2011**. 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

⁴ *Id.* at para. 21.

⁵ PRT March 23 Filing at 2-12. The PRT March 23 Filing was filed under a protective order issued on March 17, 2011. See *Petition of Puerto Rico Telephone Larga Distancia, Inc. for Waiver of Section 64.1903 of the Commission’s Rules*, WC Docket No. 10-52, DA 11-514, Protective Order (WCB rel. March 17, 2011). PRT seeks confidential treatment of certain information in the PRT March 23 Filing under 47 C.F.R. § 0.459(a) and 47 U.S.C. § 222(a). See PRT March 23 Filing at 1-3.

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 Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, 202-418-1580 or Gregory.Kwan@fcc.gov.

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