



PUBLIC NOTICE

Federal Communications Commission
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WCB ANNOUNCES COMMENT CYCLE FOR SECOND FNPRM ON STRUCTURAL SEPARATION REQUIREMENTS IN SECTION 64.1903

CC Docket No. 00-175

Comment Date: July 12, 2013

Reply Comment Date: August 12, 2013

On May 17, 2013, the Wireline Competition Bureau released a Second Further Notice of Proposed Rulemaking (Second FNPRM) seeking comments on whether the structural separation requirements contained in section 64.1903 of the Commission's rules, 47 C.F.R. § 64.1903, should continue to apply to independent incumbent local exchange carriers (independent ILECs) subject to rate-of-return regulation.¹ Comments and reply comments are due 30 and 60 days, respectively, after publication of the summary of the Second FNPRM in the Federal Register.² Publication of this summary in the Federal Register occurred on June 12, 2013.³ Accordingly, **comments will be due on July 12, 2013, and reply comments will be due on August 12, 2013.**

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). 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/>.

¹ The Second FNPRM was released along with a memorandum opinion and order which, among other things, partially granted United States Telecom Association's (USTelecom) petition for forbearance from section 64.1903. See *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations et al.*, WC Docket No. 12-61 et al., Memorandum Opinion and Order and Report and Order in WC Docket No. 10-132 and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, FCC 13-69 (rel. May 17, 2013). In that order the Commission granted forbearance from section 64.1903 as it applies to price cap carriers that comply with certain conditions. *Id.* at 102-03, paras. 227-28. Based on the record in that proceeding, however, the Commission denied similar relief to independent ILECs subject to rate-of-return regulation. *Id.* at 64, para. 139. Accordingly, the Second FNPRM seeks comments on the costs and benefits of continuing to apply section 64.1903 to independent ILECs subject to rate-of-return regulation, which are the only carriers that remain subject to the rule.

² *Id.* at 2.

³ 78 FR 35191 (June 12, 2013).

- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. 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 Street, 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 and boxes 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 must 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 & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁴ 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

⁴ 47 C.F.R. §§ 1.1200 *et seq.*

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

For further information, please contact Gregory Kwan, Wireline Competition Bureau, Competition Policy Division, at (202) 418-1191 or via e-mail at Gregory.Kwan@fcc.gov.

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