



PUBLIC NOTICE

Federal Communications Commission
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DA 15-4

Released: January 6, 2015

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON WINDSTREAM'S
PETITION FOR DECLARATORY RULING SEEKING TO CONFIRM ILEC'S
CONTINUED OBLIGATION TO PROVIDE DS1s AND DS3s ON UNBUNDLED
BASIS AFTER TECHNOLOGY TRANSITIONS**

WC Docket No. 15-1
GN Docket No. 13-5

Comment Date: February 5, 2015

Reply Comment Date: March 9, 2015

The Wireline Competition Bureau seeks comment on a petition for declaratory ruling filed by Windstream Corporation (Windstream) on December 29, 2014.¹ In its Petition, Windstream requests that the Commission issue a declaratory ruling “to confirm that an incumbent local exchange carrier’s . . . obligations to provide DS1 and DS3 capacity loops on an unbundled basis pursuant to 47 U.S.C. § 251(c)(3) and 47 C.F.R. §§ 51.319(a)(4) and (5) are not altered or eliminated either by replacement of copper with fiber or by the conversion of transmission from TDM to Internet Protocol (‘IP’) format.”² Windstream asserts that it seeks a declaratory ruling “to terminate a controversy regarding recent AT&T and Verizon filings asserting that either IP conversion or conversion from copper to fiber relieves them of their obligation to unbundle DS1 or DS3 capacity loops.”³

Interested parties may file comments on Windstream’s Petition on or before February 5, 2015, and reply comments on or before March 9, 2015. All pleadings are to reference **WC Docket No. 15-1 and GN Docket No. 13-5**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS), or by filing paper copies.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

¹ Petition of Windstream Corporation for a Declaratory Ruling, WC Docket No. 13-5 (filed Dec. 29, 2014) (Petition), <http://apps.fcc.gov/ecfs/document/view?id=60001011339>. The Commission may “on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.” 47 C.F.R. § 1.2.

² Petition at 1.

³ *Id.*

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- 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 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 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 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Presentations. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ 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 familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Daniel Kahn, Deputy Chief, Competition Policy Division, Wireline Competition Bureau at (202) 418-1407 or Daniel.Kahn@fcc.gov or Michele Levy Berlove, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau at (202) 418-1477 or Michele.Berlove@fcc.gov.

⁵ See 47 C.F.R. § 1.1206(a)(3); see also 47 C.F.R. § 1.1200 *et seq.*

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