



PUBLIC NOTICE

Federal Communications Commission
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DA 18-475

Released: May 8, 2018

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON USTELECOM'S PETITION FOR FORBEARANCE FROM SECTION 251(c) UNBUNDLING AND RESALE REQUIREMENTS AND RELATED OBLIGATIONS, AND CERTAIN SECTION 271 AND 272 REQUIREMENTS

WC Docket No. 18-141

Comments or Oppositions Due: June 7, 2018
Reply Comments Due: June 22, 2018

On May 4, 2018, USTelecom—The Broadband Association (USTelecom) filed a petition¹ pursuant to section 10 of the Communications Act of 1934, as amended,² requesting that the Commission grant “nationwide forbearance from outmoded regulatory mandates that distort competition and investment decisions,” claiming the relief will “ultimately reduce pricing for customers and improve the quality and performance of their services” and “will also support growth and create jobs as more providers increase investment in their own networks to offer modern next-generation services.”³ The Petition seeks forbearance from application of statutory provisions and regulations that USTelecom characterizes as falling into one of the following three categories:⁴

Category 1: Incumbent LEC-specific unbundling and resale mandates in section 251(c)(3) and (4) and associated obligations under sections 251 and 252.⁵

Category 2: Section 272(e)(1)'s RBOC-specific time interval requirements for nondiscriminatory treatment of affiliates and non-affiliates regarding requests for service, and the long-distance separate affiliate requirement for independent incumbent LECs set out in section 64.1903 of the Commission's rules.⁶

¹ Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (Petition).

² See 47 U.S.C. § 160.

³ Petition at 1-3.

⁴ USTelecom states forbearance “[r]elief is sought for all [Regional Bell Operating Companies (RBOCs)] or all [incumbent local exchange carriers (LECs)], depending on the class to which the specific obligation at issue applies.” *Id.* at 2 n.3. The specific regulations and the associated relief that USTelecom seeks as well as a list of pending proceedings in which USTelecom has taken a position regarding relief that is identical to, or comparable to, the relief sought in this Petition are detailed in Appendix A to the Petition. *Id.*

⁵ See *id.* at Appx. A, 1.

⁶ See *id.* at Appx. A, 1-2.

Category 3: Section 271(c)(2)(B)(iii)'s RBOC-specific competitive checklist item regarding access to poles, ducts, conduit, and rights-of-way.⁷

Interested parties may file comments or oppositions to the Petition on or before **June 7, 2018** and reply comments on or before **June 22, 2018**. Comments or oppositions, and replies thereto, should reference **WC Docket No. 18-141** and may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Parties should also clearly identify in the table of contents and/or opening summary of their comments, opposition, and/or reply comments which of the three regulatory categories their comments address.⁸ For example, if a party files comments relating to unbundling and resale mandates in section 251(c)(3) and (4) and associated section 251 and 252 obligations, the caption should reference WC Docket No. 18-141, and the table of content and/or opening summary should clearly state that the comments respond to "Category 1."

- Electronic Filers: Comments and oppositions may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- 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) 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.⁹ 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

⁷ *See id.* at Appx. A, 1.

⁸ Parties filing brief comments that do not contain a table of contents or opening summary may identify the category their comments are addressing in their opening paragraph.

⁹ 47 CFR § 1.1200 *et seq.*

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, please contact Terri Natoli, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2732 or via e-mail at Terri.Natoli@fcc.gov.

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