



# PUBLIC NOTICE

Federal Communications Commission  
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DA 19-125

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## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITIONS FOR DECLARATORY RULING FILED BY BELL SOUTH AND ALABAMA 911 DISTRICTS

WC Docket No. 19-44

**Comments or Oppositions Due: March 28, 2019**

**Reply Comments Due: April 12, 2019**

By this Public Notice, the Wireline Competition Bureau seeks comment on petitions for declaratory ruling filed on January 7, 2019 and January 29, 2019, respectively, by BellSouth Telecommunications, LLC (BellSouth)<sup>1</sup> and the Alabama 911 Districts of Autauga County, Calhoun County, Mobile County, and the City of Birmingham (collectively, the Alabama 911 Districts),<sup>2</sup> pursuant to section 1.2 of the Commission's rules.<sup>3</sup> BellSouth and the Alabama 911 Districts request that the Commission issue a declaratory ruling to respond to the United States District Court for the Northern District of Alabama's primary jurisdiction referral.<sup>4</sup> The District Court's referral arises from a dispute between the parties regarding BellSouth's billing of 911 charges for its business telephone service and the Alabama 911 Districts' position that such service qualifies as Voice over Internet Protocol (VoIP) or similar service pursuant to Alabama's 911 statute.<sup>5</sup>

Interested parties may file comments or oppositions to the Petitions on or before **March 28, 2019** and reply comments on or before **April 12, 2019**. Comments or oppositions, and replies thereto, should

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<sup>1</sup> *BellSouth's Petition for Declaratory Ruling Regarding the Commission's Definition of Interconnected VoIP in 47 C.F.R. § 9.3 and the Prohibition on State Imposition of 911 Charges on VoIP Customers in 47 U.S.C. § 615a-1(f)(1)*, BellSouth Communications, LLC's Petition for Declaratory Ruling (filed Jan. 7, 2019).

<sup>2</sup> *Petition for Declaratory Ruling in Response to Primary Jurisdiction Referral, Autauga County Emergency Management Communication District et al. v. BellSouth Telecommunications, LLC, No. 2:15-cv-00765-SGC (N.D. Ala.)*, Petition of the 911 Districts of Autauga County, Calhoun County, Mobile County, and the City of Birmingham Regarding the Meaning and Application of the Definition of Interconnected VoIP Service Set Forth in 47 C.F.R. § 9.3 (filed Jan. 29, 2019).

<sup>3</sup> 47 CFR § 1.2. Pursuant to section 1.2, the Commission may "on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty." *Id.*

<sup>4</sup> *Autauga County Emergency Management Communication District, et al. v. BellSouth Telecommunications, LLC*, Docket No. 2:15-cv-00765-SGC, Order, at 9 (Mar. 2, 2018 N.D. Ala.).

<sup>5</sup> See *Autauga County Emergency Management Communication District, et al. v. BellSouth Telecommunications, LLC*, Docket No. 2:15-cv-00765-SGC (N.D. Ala.).

reference **WC Docket No. 19-44** 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).

- Electronic Filers: Comments and oppositions may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- 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 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](mailto: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.<sup>6</sup> 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, please contact Michele Levy Berlove, Special Counsel, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1477 or via e-mail at [Michele.Berlove@fcc.gov](mailto:Michele.Berlove@fcc.gov).

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<sup>6</sup> 47 CFR § 1.1200 *et seq.*