



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR DECLARATORY RULING FILED BY THE EDISON ELECTRIC INSTITUTE

WC Docket No. 17-84

Comments Due: August 23, 2021

Reply Comments Due: September 7, 2021

The Wireline Competition Bureau seeks comment on a petition for declaratory ruling filed on April 20, 2021 by The Edison Electric Institute (EEI).¹ EEI asks the Commission to declare that: (1) when the Commission determines that a pole attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission's rules, the "applicable statute of limitations" is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not "appropriate" for any period preceding good-faith notice of a dispute.²

Interested parties may file comments or oppositions to the Petition on or before **August 23, 2021** and reply comments on or before **September 7, 2021**. All filings must reference **WC Docket No. 17-84** and be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments and oppositions may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.³
- **Paper Filers:** Parties who choose to file 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.
 - 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 45 L Street N.E., Washington, DC 20544.
 - Until further notice, the Commission will not accept any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals and mitigate the transmission of COVID-19.

¹ Petition for Declaratory Ruling of The Edison Electric Institute, WC Docket No. 17-84 (filed Apr. 20, 2021), <https://www.fcc.gov/ecfs/filing/10420059605067> (Petition).

² Petition at 1.

³ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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 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 Michael Ray, Competition Policy Division, Wireline Competition Bureau, at (202) 418-0357 or via e-mail at Michael.Ray@fcc.gov.

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⁴ 47 CFR § 1.1200 *et seq.*