



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

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**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON  
PETITIONS FOR PREEMPTION AND DECLARATORY RULING  
REGARDING THE PUERTO RICO TELECOMMUNICATIONS ACT OF 1996**

**CCBPol 96-24**

**Released: November 25, 1996**

On October 17, 1996, Centennial Cellular Corp. and Lambda Communications, Inc. (Centennial/Lambda) filed a petition for preemption and declaratory ruling regarding the Puerto Rico Telecommunications Act of 1996 (PRTA). On October 21, 1996, and November 15, 1996, respectively, Pan Am License Holdings, Inc. (Pan Am) and Cellular Communications of Puerto Rico, Inc. (CCPR) filed similar petitions for declaratory rulings regarding preemption of the PRTA. Centennial/Lambda, Pan Am, and CCPR request that the Commission declare that numerous provisions of the PRTA are preempted by federal law, including sections 251, 253, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 251, 253, 332.

Interested parties should file comments on those petitions by **January 8, 1997**, and reply comments by **January 23, 1997**, with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. Two copies should be sent to Janice Myles, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., and one copy each to Laura Smith and Jeff Steinberg, Wireless Telecommunications Bureau, FCC, Room 7002, 2025 M Street, N.W. Washington, D.C. 20554. One copy should also be sent to the Commission's contractor for public service records duplication, International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Parties filing comments in this non-docketed consolidated proceeding should include the internal reference number, **CCBPol 96-24**, on their pleadings. The petitions are available for inspection and copying in the Common Carrier Bureau's Public Reference Room, Room 575, 2000 M Street, N.W., Washington, D.C. 20554, and in the Commercial Wireless Division Public Reference Room, Room 5608, 2025 M St., NW, Washington, D.C. 20554. Copies can also be obtained from ITS by calling (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. For further information on the petitions for preemption and declaratory ruling, contact Janice Myles, of the Policy and Program Planning

Division, Common Carrier Bureau, at (202) 418-1577 or Laura Smith or Jeff Steinberg of the Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0620.

Centennial/Lambda also filed a formal complaint against Puerto Rico Telephone Company (PRTC) on December 6, 1995. In the complaint, Centennial/Lambda allege, *inter alia*, that PRTC has failed to provide interconnection on reasonable and nondiscriminatory terms and to negotiate in good faith. Unlike the preemption proceeding, the formal complaint proceeding is restricted for purposes of the Commission's *ex parte* rules. See 47 C.F.R. 1.1208(c)(1)(B). Upon review, it appears that Centennial/Lambda's petition for preemption and its complaint raise substantially interrelated issues. In both proceedings, Centennial/Lambda raise the issue of the regulatory structure in Puerto Rico and its impact on interconnection between Centennial/Lambda and PRTC. Additionally, both proceedings raise issues relating to sections 251 and 332 of the Communications Act.

Accordingly, we believe that the public interest in expeditiously resolving issues raised by the preemption proceeding would best be served by ensuring that the preemption proceeding and related discussions continue with a minimum of disruption during the pendency of the formal complaint. Because the preemption and complaint proceedings involve common issues, however, we believe that this interest must be balanced against the parties' interest in ensuring that decisions on the common issues are based on a record available to all interested parties. In balancing these interests, pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), we find that the public interest would be served by making applicable to the formal complaint proceeding the "permit but disclose" *ex parte* rules applicable to non-restricted proceedings.

Consistent with this Public Notice, all parties making *ex parte* presentations in the preemption proceeding shall file any written *ex parte* presentations and summaries of oral *ex parte* presentations in both the preemption proceeding, CCBPol 96-24, and the formal complaint proceeding, File No. E-96-13.

Questions relating to the formal complaint may be directed to Sumita Mukhoty of the Enforcement Division, Common Carrier Bureau, at (202) 418-0960. The formal complaint materials are available for inspection and copying in the Enforcement Division, Formal Complaints and Investigations Branch, Room 6120, 2025 M Street, N.W., Washington, DC 20554.

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