



PUBLIC NOTICE

Federal Communications Commission
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DA 00-677

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
NEW JERSEY RATEPAYER ADVOCATE'S PETITION FOR PREEMPTION OF
NEW JERSEY BOARD OF PUBLIC UTILITIES ORDER**

CC Docket No. 00-49

Released: March 24, 2000

On March 3, 2000, the New Jersey Division of the Ratepayer Advocate (Ratepayer Advocate) filed a petition for declaratory ruling seeking preemption of certain legal requirements imposed on telecommunications carriers by the New Jersey Board of Public Utilities. The Ratepayer Advocate specifically requests that the Commission issue a declaratory ruling finding that the New Jersey Board's setting of permanent rates for unbundled network elements and resale in BPU Docket No. TX95120631 is inconsistent with, and violates, sections of the Communications Act, the regulations implementing those sections, and applicable Commission orders.

Interested parties may file comments regarding Ratepayer Advocate's petition for review no later than April 25, 2000, with the Secretary, FCC at 445 12th Street, SW, TW-A325, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than May 10, 2000. All pleadings are to reference **CC Docket No. 00-49**. Interested parties should file an original and seven copies of all pleadings. An additional copy of all pleadings must also be sent to Janice M. Myles, Common Carrier Bureau, FCC, Room 5-C327, 445 12th Street, SW, TW-A325, Washington, DC 20554, and to the Commission's contractor for public service records duplication, International Transcription Services, Inc. (ITS), 1231 20th Street, NW, Washington, DC 20036. The Ratepayer Advocate petition for review is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 1231 20th Street, NW, Washington, DC 20036 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding,

however, commenters must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to efcs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

We will treat this proceeding as permit, but disclose for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice M. Myles and ITS, with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified above.

For further information, contact Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580, e-mail jmyles@fcc.gov.

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