PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

DA 02-3062
Released November 8, 2002

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON NECA'S PETITION FOR RULEMAKING TO ADJUST THE APPLICATION OF END USER COMMON LINE CHARGES ON CERTAIN T-1 EXCHANGE ACCESS SERVICES

RM No. 10603

Comments Due: December 2, 2002
Reply Comments Due: December 12, 2002

On September 26, 2002, the National Exchange Carrier Association, Inc. (NECA) filed a Petition for Rulemaking, pursuant to section 1.401 of the Commission's rules, requesting that the Commission revise its rules to permit the assessment of no more than to five End User Common Line (EUCL) charges on customer-ordered exchange access service provisioned using digital, high capacity T-1 interfaces.[1] NECA seeks a rule change only where the customer, as opposed to the local exchange carrier, provides channel terminating equipment.[2] NECA alleges that this rule change would reflect more closely the actual common line costs incurred than does the current rule, and would ensure equivalent application of EUCL charges upon DTS service and ISDN service, which are similar derived channel services, and thereby remove artificial price distinctions between the similar services.[3] NECA attached a copy of the text of its requested rule change to its petition.[4]

We seek comment on NECA's petition for rulemaking.

---

[1] *In the Matter of National Exchange Carrier Association, Inc. Petition to Amend Section 69.104 of the Commission's Rules*, RM No. 10603, Petition of NECA (filed Sept. 26, 2002) (NECA Petition). *See* 47 C.F.R. § 1.401.

[2] *Id.* at 1, 9. NECA states that this exchange access service is often sold under the name Digital Transport Service (DTS). *Id*. at 1 n.3.

[3] *Id.* at 1-2, 5-9.

[4] *Id*. at Appendix A.

Pursuant to 47 C.F.R. § 1.405, interested parties may file comments no later than December 2, 2002. Interested parties may file reply comments no later than December 12, 2002. **All responsive filings must reference the rulemaking number of this proceeding, RM No. 10603.** Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

Comments and reply 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 filing to 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 copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at http://www.fcc.gov/e-file/email.html.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be filed with the Pricing Policy Division, Wireline Competition Bureau, Attn: Jeremy D. Marcus, 445 12th Street, S.W., Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

This proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.[5] 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 generally is required.[6] Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. In addition, interested parties are to file any written *ex parte* presentations in this proceeding with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve with three copies: Pricing Policy Division, Wireline Competition Bureau, Attn: Jeremy D. Marcus, 445 12th Street, S.W., Washington, D.C. 20554. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

For further information, contact Jeremy D. Marcus, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

- FCC-

[5] 47 C.F.R. § 1.1206.

[6] *See* 47 C.F.R. § 1.1206(b)(2).