



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION OF UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI FOR DECLARATORY RULING CONCERNING VOIP SERVICE OFFERED USING CABLE ONE'S POLE ATTACHMENTS

WC Docket No. 13-307

Comment Date: January 21, 2014
Reply Comment Date: February 5, 2014

The Wireline Competition Bureau (Bureau) seeks comment on a petition filed by Union Electric Company d/b/a Ameren Missouri (Ameren) on June 24, 2013.¹ Ameren requests that the Commission issue a declaratory ruling that, under Section 224 of the Communications Act of 1934, as amended, the VoIP service offered using Cable One, Inc.'s pole attachments is a "telecommunications service" for purposes of determining the appropriate pole attachment rental.² Ameren requests that the Commission issue a declaratory ruling to terminate a controversy and remove uncertainty in connection with a recent order entered by the United States District Court for the Eastern District of Missouri.³

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments 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 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. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

¹ Motion for Declaratory Ruling of Union Electric Company d/b/a Ameren Missouri (filed June 24, 2013) (Petition); 47 C.F.R. § 1.2.

² *See* Petition at 9; 47 U.S.C. § 224.

³ Petition at 1; *see Union Elec. Co. v. Cable One, Inc.*, No. 4:11-CV-299 CEJ, 2013 WL 2286055 (E.D. Mo. May 23, 2013). Ameren states that the district court directed Ameren to file a petition with the Commission, pursuant to 47 C.F.R. § 1.2, or else Ameren's collection action against Cable One would be dismissed. *See* Petition at 2. Ameren asserts that "[t]he Court is of the opinion that it cannot resolve the contract dispute between the parties until the Commission classifies the VoIP services offered over Cable One's attachments to Ameren's poles." *Id.*

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 St., 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 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. 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 Jonathan Reel, Competition Policy Division, Wireline Competition Bureau at (202) 418-0637, or via email at jonathan.reel@fcc.gov.

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⁴ 47 C.F.R. §§ 1.1200 *et seq.*