



PUBLIC NOTICE

Federal Communications Commission
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DA 14-1585

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**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
UNITED STATES TELECOM ASSOCIATION PETITION FOR FORBEARANCE
FROM CERTAIN INCUMBENT LEC REGULATORY OBLIGATIONS**

WC Docket No. 14-192

Comments or Oppositions Due: December 5, 2014

Reply Comments or Reply to Oppositions Due: December 22, 2014

On October 6, 2014, the United States Telecom Association (USTelecom) filed a petition¹ pursuant to section 10 of the Communications Act of 1934, as amended,² requesting that the Commission forbear from enforcing “various outdated regulatory requirements applicable to incumbent local exchange carriers,” claiming that the relief requested will “promote the deployment of next-generation high-speed networks . . . expanding infrastructure investment and increasing competition for services that have become central to Americans’ daily lives.”³ The USTelecom petition seeks forbearance from application of statutory provisions and regulations that USTelecom characterizes as falling into one of the following seven categories:⁴

Category 1: Remaining section 271 and 272 obligations, equal access rules, and the nondiscrimination and imputation requirements set out in the *Section 272 Sunset Order* (47 U.S.C. §§ 271, 272, 251(g)).⁵

¹ Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks, WC Docket No. 14-192 (filed Oct. 6, 2014) (2014 USTelecom Forbearance Petition).

² See 47 U.S.C. § 160.

³ 2014 USTelecom Forbearance Petition at 1-2.

⁴ USTelecom states that, in some cases, it seeks forbearance “for all ILECs subject to the rules, while in other cases, forbearance is requested only for: (1) those ILECs operating under price cap regulation at the federal level; (2) those ILECs operating under rate-of-return regulation at the federal level; or (3) those ILECs that are Bell Operating Companies (also referred to throughout as Regional Bell Operating Companies, or ‘RBOCs’), that have not previously been granted forbearance.” *Id.* at 1 n.2. The specific regulations and the associated relief that USTelecom seeks are detailed in Appendix A to the 2014 USTelecom Forbearance Petition.

⁵ *Id.* at Appx. A, A-1.

Category 2: Structural separation requirements for independent incumbent LECs, including any conditions imposed by prior Commission Orders granting partial forbearance from 47 C.F.R. § 64.1903.⁶

Category 3: Requirement to provide 64 kbps voice channel where copper loop has been retired (47 C.F.R. § 51.219(a)(3)(iii)(C)).

Category 4: All remaining 47 U.S.C. § 214(e) obligations where a price cap carrier does not receive High Cost Universal Service Support, including 47 C.F.R. §54.201(d). And, the Commission's determination that an Eligible Telecommunications Carrier is required to provide the "supported" services throughout its service area regardless of whether such services are actually "supported" with high-cost funding throughout that area (47 U.S.C. § 214(e); 47 C.F.R. § 54.201(d)).⁷

Category 5: Remaining *Computer Inquiry* rules, obligations imposed by the Commission's *Computer II* Orders, and obligations, including Comparable Efficient Interconnection (CEI) and Open Network Architecture (ONA), and other requirements set forth in the Commission's *Computer III* orders (47 C.F.R. § 64.702).⁸

Category 6: Requirement to provide access to newly deployed entrance conduit at regulated rates (47 U.S.C. §§ 224, 251(b)(4)).

Category 7: Rules prohibiting price cap incumbent LECs' use of contract tariffs for business data services in all regions. And, if necessary, the requirement that packet-switched or optical transmission services be subject to price cap regulation in order to be eligible for pricing flexibility (47 C.F.R. §§ 61.3(o), 61.55(a), 69.709(b), 69.711(b), 69.727(a), 69.705).⁹

Interested parties may file comments on or oppositions to the 2014 USTelecom Forbearance Petition on or before **December 5, 2014**, and replies thereto on or before **December 22, 2014**. All pleadings should reference **WC Docket No. 14-192**. Parties should also clearly identify in their table of contents and/or opening summary of their comments and reply comments which of the seven regulatory categories their comments address.¹⁰ For example, if a party files comments relating to equal access and section 271 and 272 obligations, the caption should reference WC Docket No. 14-192, and the table of contents and/or opening summary should clearly state that the comments respond to "Category 1."

Pursuant to section 1.55 of the Commission's rules,¹¹ interested parties may file comments or oppositions, and replies thereto, on or before the dates indicated on the first page of this document. Comments, oppositions, and replies may be filed by paper copies or by using the Commission's Electronic Comment Filing System (ECFS).¹²

⁶ *See id.*

⁷ *See id.* at A-2.

⁸ *See id.* at A-2 to A-3.

⁹ *See id.* at A-3 to A-4.

¹⁰ Parties filing brief comments that do not contain a table of contents or opening summary may identify the category their comments are addressing in their opening paragraph.

¹¹ 47 C.F.R. § 1.55.

¹² *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments, oppositions, and replies 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. 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.¹³ 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.

¹³ 47 C.F.R. §§ 1.1200 *et seq.*

For further information regarding this proceeding, contact Alex Johns, Wireline Competition Bureau, Competition Policy Division, 202-418-1167.

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