



PUBLIC NOTICE

Federal Communications Commission
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DA 16-79

Released: January 21, 2016

**WIRELINE COMPETITION BUREAU SEEKS COMMENT TO REFRESH THE RECORD ON
UNITED STATES TELECOM ASSOCIATION PETITION FOR DECLARATORY RULING
THAT INCUMBENT LOCAL EXCHANGE CARRIERS ARE NONDOMINANT IN THE
PROVISION OF SWITCHED ACCESS SERVICES**

WC Docket No. 13-3

Comment Date: February 22, 2016

Reply Comment Date: March 7, 2016

On December 19, 2012, United States Telecom Association (USTelecom) filed a petition requesting that the Commission declare incumbent local exchange carriers “no longer presumptively dominant when providing interstate mass market and enterprise switched access services.”¹ The Wireline Competition Bureau (Bureau) sought and received public comment on the Petition.² By this notice, the Bureau seeks comment to refresh the record on matters raised in the Petition and in any responsive filings in this docket.

We particularly welcome comment on marketplace or regulatory developments, since the filing of the Petition, that may bear on the Commission’s evaluation of the Petition. We also encourage commenters to address further the practical impact and scope of the finding sought by the Petition.³ For instance, if the Commission were to grant the Petition, what services should it appropriately find to be included in the category “interstate mass market and enterprise switched access services”? More generally, we invite commenters to submit any other data, information, or analysis that would be relevant to the Commission’s evaluation of the Petition.

Pursuant to section 1.419 of the Commission's rules, 47 CFR § 1.419, interested parties may file comments and reply comments on or before the dates indicated above. All filings should refer to **WC Docket No. 13-3**, and must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. Comments may be filed by paper or by using the Commission's

¹ See Petition of USTelecom for Declaratory Ruling that Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services, WC Docket No. 13-3, at 9 (filed Dec. 19, 2012) (Petition).

² See *Wireline Competition Bureau Seeks Comment on United States Telecom Association Petition for Declaratory Ruling that Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services*, Public Notice, 28 FCC Rcd 107 (WCB 2013).

³ Compare Comments of the National Cable & Telecommunications Association, WC Docket No. 13-3, at 2 (filed Feb. 25, 2013) (asserting that “[t]he Commission needs a much clearer understanding of the scope of the petition and the consequences of the requested relief before it can consider granting the petition”), with Reply Comments of USTelecom, WC Docket No. 13-3, at 5 (filed Mar. 13, 2013) (contending that the relief it seeks “is actually quite narrow”).

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

- Electronic Filers: Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- 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 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.

Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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 FCC’s Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

This proceeding has been designated 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 (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.

⁴ 47 CFR § 1.1200 *et seq.*

For further information, please contact Brian Hurley, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2220 or brian.hurley@fcc.gov.

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