

[Service Date September 22, 2004]

September 22, 2004

**NOTICE OF OPPORTUNITY TO COMMENT**  
**(By September 30, 2004)**

RE: In the Matter of the Review of Unbundled Loop and Switching Rates and  
Review of the Deaveraged Zone Rate Structure  
Docket No. UT-023003

TO THE PARTIES:

On August 20, 2004, the Federal Communications Commission (FCC) released its Order and Notice of Proposed Rulemaking in the Triennial Review Docket (Interim TRO Rules).<sup>1</sup>

In the Interim TRO Rules, the FCC put in place a freeze on changes in the rates, terms and conditions applied under interconnection agreements in place as of June 15, 2004, except that, with respect to rates only, state public utility commissions could order increases in rates for network elements. The freeze is to remain in effect for six months from the date of publication of the Order in the Federal Register. Publication occurred on September 13, 2004.

The Commission is also aware that certain competitive telecommunications carriers, none of whom is directly a party to this case, have filed a Petition for Emergency Clarification and/or Errata regarding the Interim TRO Rules.<sup>2</sup> The Petition requests the FCC to clarify whether the language freezing rate changes, except for state commission-ordered rate increases, unintentionally excluded an exception for state-ordered rate decreases.

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<sup>1</sup> In the Matter of Unbundled Access to Network Elements Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, WC Docket No. 04-313, CC Docket No. 01-338, Adopted July 21, 2004.

<sup>2</sup> Petition filed August 27, 2004.

To assist the Commission in its deliberations on Verizon's rates for unbundled network elements in Docket No. UT-023003, the parties are requested to file comments on the effect of the Interim TRO Rules on the rates that will be decided in this proceeding.

**NOTICE IS GIVEN That the parties may provide their comments on or before Thursday, September 30, 2004.**

Sincerely,

THEODORA M. MACE  
Administrative Law Judge