



PUBLIC NOTICE

Federal Communications Commission
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DA 02-976

Released: April 29, 2002

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
QWEST COMMUNICATIONS INTERNATIONAL INC. PETITION FOR DECLARATORY
RULING ON THE SCOPE OF THE DUTY TO FILE AND OBTAIN PRIOR APPROVAL
OF NEGOTIATED CONTRACTUAL ARRANGEMENTS UNDER SECTION 252(a)(1)**

WC DOCKET NO. 02-89

Comments Due: May 29, 2002
Reply Comments Due: June 13, 2002

On April 23, 2002, Qwest Communications International Inc. (Qwest) filed a petition for declaratory ruling pursuant to section 1.2 of the Commission's rules, 47 C.F.R. § 1.2. The Qwest petition requests the Commission to issue a declaratory ruling with respect to section 252(a)(1) of the Communications Act of 1934, as amended (the Act), 47 C.F.R. § 252(a)(1). Specifically, Qwest requests a declaratory ruling concerning which types of negotiated contractual arrangements between incumbent local exchange carriers (LECs) and competitive LECs are subject to the mandatory filing and 90-day state commission pre-approval requirements of section 252(a)(1) of the Act – and which are not. Qwest states that timely guidance from the Commission is necessary to achieve a uniform interpretation of federal law and to avoid the application of inconsistent requirements to identical agreements and terms in multiple states. Qwest asserts that Commission guidance may also help ensure that Congress's objectives in the Act are not thwarted.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200; 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **May 29, 2002**, and reply comments on or before **June 13, 2002**. Comments may be filed using the Commission's Electronic Comment

Filing System (ECFS or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to 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 comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment 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 e-mail address>." A sample form and directions will be sent in reply. 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 appear 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, Vistrionix, 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, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Portals II, 445 12th Street, SE, Suite TW-A325, Washington, D.C. 20554, with one copy provided to Janice M. Myles, Competition Policy Division, Portals II, 445 12th Street, SW, Room 5-C327, Washington, DC 20554.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail www.qualexint@aol.com.

For further information regarding this proceeding, contact Janice M. Myles, Competition Policy Division, Wireline Competition Bureau, (202) 418-1577 or e-mail at jmyles@fcc.gov.

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