



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA-02-2065
Released: August 21, 2002

COMMENTS REQUESTED IN CONNECTION WITH QWEST'S SECTION 271 APPLICATION FOR COLORADO, IDAHO, IOWA, NEBRASKA & NORTH DAKOTA

WC Docket No. 02-148

Comments: August 28, 2002
Reply Comments: August 30, 2002

On August 20, 2002, the Commission received the attached *ex parte* filing from Qwest in the above-referenced docket. Throughout this proceeding, parties have raised numerous concerns regarding unfiled agreements between Qwest and competitive LECs. In response, Qwest states that it will file certain agreements, described in the attached *ex parte*, with the relevant state commissions. Qwest also states that it will post these agreements on the web site it uses to provide notice to competitive LECs and announce the immediate availability of the effective interconnection-related terms and conditions in the relevant states. Qwest states that this will facilitate the ability of competitive LECs to request terms and conditions prior to the state commissions' decisions approving the agreements.

We now seek comment on this *ex parte* filing. We have established a short comment period due to the imminent deadline for ruling on Qwest's application. Without deciding what reliance, if any, the Commission will place on this information, the Commission encourages interested parties to respond to this evidence. We emphasize that this public notice does not represent a decision about whether we will accord any weight to the supplemental evidence. The Commission expects that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission rely in making its determination.¹ If parties in a section 271 proceeding choose to submit new evidence, however, the Commission retains the discretion to waive its procedural rules and consider

¹ See Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20570, para. 49 (1997), *writ of mandamus issued sub nom. Iowa Utils. Bd. V. FCC*, No. 96-3321 (8th Cir. Jan. 22, 1998) (*Ameritech Michigan Order*); *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (Dec. 6, 1996); *Revised Comment Schedule for Ameritech Michigan Application, as amended, for Authorization under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of Michigan*, Public Notice, DA 97-127 (Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (Sept. 19, 1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA-99-1994 (Sept. 28, 1999) (collectively "271 Procedural Public Notices").

the evidence,² “to start the 90-day review process anew, or to accord such evidence no weight.”³

Comments By Interested Third Parties. Pursuant to our procedures governing section 271 applications⁴ and 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 such information. Comments must be filed by **August 28, 2002** and reply comments must be filed by **August 30, 2002**. All such filings shall refer to the Commission docket number, **WC Docket No. 02-148**. Comments and replies 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 <<http://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. To get further 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.

If a party chooses to file comments or replies by paper, an original and four copies must be sent to Marlene H. Dortch, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, CY-B402, Washington, D.C., 20554. Fifteen additional paper copies of each comment and reply must be delivered to Janice Myles, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554. One copy of each paper comment and reply must be sent to the Commission’s duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554.

All filings must contain the docket or rulemaking number that appears in the caption of this proceeding. If more than one docket or rulemaking number appears in the caption, 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. The filing hours at this location are 8 am. to 5:30 p.m. First-class U.S. Postal Service mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must contain the Docket Number, and must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

² See section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3.

³ *Ameritech Michigan Order* at 20575, para. 57; Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3968, para. 34 (1999).

⁴ See 271 Procedural Public Notices.

In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, **hand-delivered or messenger-delivered filings must be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.**⁵

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 qualexint@aol.com.

If you are sending this type of document or using this delivery method...	It should be addressed for delivery to...
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.)
Commercial overnight mail (other than United States Postal Service Express Mail and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12 th Street, SW Washington, DC 20554

Parties are strongly encouraged to file comments and replies electronically using the Commission's Electronic Comment Filing System (ECFS). Parties are also requested to send a courtesy copy of their comments and replies via email to: gremondi@fcc.gov; eyockus@fcc.gov, mcarowitz@fcc.gov, ccarpino@fcc.gov, meredyth@usdoj.gov, jjewel@puc.state.id.us, penny.baker@iub.state.ia.us, cpost@mail.state.ne.us, pjf@oracle.psc.state.nd.us, and bruce.smith@dora.state.co.us.

Wireline Competition Bureau Contacts: Michael Carowitz (202) 418-0026
Cathy Carpino (202) 418-1593

⁵ See Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).