



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 03-461
February 14, 2003

COMMENTS REQUESTED REGARDING SBC'S TRACK A REPLY COMMENTS IN CONNECTION WITH SBC'S PENDING SECTION 271 APPLICATION

WC DOCKET NO. 03-10

Comments: February 26, 2003
Reply Comments: March 5, 2003

On February 14, 2003, the Commission received the attached "Track A Reply Comments" of SBC Communications Inc., Nevada Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Nevada Bell Long Distance (Nevada Bell) in the above-referenced docket.¹ These Track A Reply Comments provide additional information and evidence concerning Nevada Bell's showing of compliance under the "Track A" requirement of section 271, 47 U.S.C. § 271(c)(1)(A).

We seek comment on Nevada Bell's Track A Reply Comments. We have established an abbreviated comment period due to the statutory deadline for this application. We note that the comments are due on the same day that reply comments are due on Nevada Bell's 271 application so parties are encouraged to combine their comments on Nevada Bell's Track A Reply Comments with their reply comments on its section 271 application in general. 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.² If parties in a section 271 proceeding choose to

¹ See "Track A" Reply Comments of SBC Communications, Inc., WC Docket No. 03-10 (filed Feb. 14, 2003); see also Reply Affidavit of J. Gary Smith Regarding the Status of Local Exchange Competition, WC Docket No. 03-10 (filed Feb. 14, 2003); Affidavit of Keith Frederick, WC Docket No. 03-10 (filed Feb. 14, 2003).

² 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*

submit new evidence, however, the Commission retains the discretion to waive its procedural rules and consider the evidence,³ “to start the 90-day review process anew, or to accord such evidence no weight.”⁴

Comments By Interested Third Parties. Pursuant to our procedures governing section 271 applications⁵ 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 on or before **February 26, 2003**. Reply Comments must be filed on or before **March 5, 2003**.

An original and four copies of all comments must be filed with the Commission Secretary, Marlene H. Dortch, 445 12th Street, SW, CY-B402, Washington D.C. 20554. In addition, fifteen copies of each comment must be delivered to Janice Myles, Wireline Competition Bureau, 445 12th Street SW, Room 5-C327, Washington, D.C., 20554 and one copy to Qualex International, Portals II, 445 12th Street SW, Room CY-B402, Washington D.C., 20554. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket of this proceeding. Only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an email 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 that choose to file by paper must file an original and four copies of each, and are hereby notified that effective December 18, 2001, the Commission’s contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, D.C. The address is **236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002**. The filing hours at this location will be 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. This facility is the only location

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”).

³ See section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3.

⁴ *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).

⁵ See 271 Procedural Public Notices.

where hand-delivered or messenger-delivered paper filings for the Commission’s Secretary will be accepted. Accordingly, the Commission will no longer accept these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. In addition, this is a reminder that, effective October 18, 2001, the Commission discontinued receiving hand-delivered or messenger-delivered filings for the Secretary at its headquarters location at 445 12th Street, SW, Washington, D.C. 20554.

Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission’s headquarters at 445 12th Street, SW, Washington, D.C. 20554. The USPS mail addressed to the Commission’s headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

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, D.C. 20002 (8:00 to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by 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, D.C. 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 qualexint@aol.com. **Parties are also requested to send a courtesy copy of their comments via email to:** twilson@fcc.gov; parluk@fcc.gov; cbolle@puc.state.nv.us; and brianne.kucerik@usdoj.gov.

Wireline Competition Bureau Contacts: Pamela Arluk—(202 418-1471
Tracey Wilson—(202) 418-1394