



PUBLIC NOTICE

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January 7, 2004

Application of TELRIC Pricing to Loop Conditioning, CCB/CPD File No. 01-06

Review of the Commission's Rules Regarding the Pricing of Unbundled Network Elements and the Resale of Service by Incumbent Local Exchange Carriers, WC Docket No. 03-173

NOTICE OF PROCEEDING TERMINATION IN CCB/CPD FILE NO. 01-06 AND OF *EX PARTE* SUBMISSION IN WC DOCKET NO. 03-173

On March 6, 2001, Mpower Communications Corp. filed a Petition for Expedited Declaratory Ruling requesting that the Commission clarify the requirements of the total element long-run incremental cost (TELRIC) methodology with respect to loop conditioning charges.¹ The Commission has yet to act on the Petition. On January 5, 2004, Mpower filed a request to withdraw its Petition, and instead to include the Petition for consideration in the *TELRIC NPRM* proceeding, WC Docket No. 03-173.² Based on the Mpower request to withdraw, its Petition is dismissed without prejudice in CCB/CPD File No. 01-06,³ and is incorporated into the record as an *ex parte* submission in WC Docket No. 03-173. Accordingly, proceeding CCB/CPD File No. 01-06 is terminated.

Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.

For further information, contact Jeremy D. Marcus of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1530.

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¹ *Application of TELRIC Pricing to Loop Conditioning*, CCB/CPD File No. 01-06, Mpower Communications Corp. Petition for Expedited Declaratory Ruling (filed March 6, 2001) (Petition). We note that the Common Carrier Bureau (CCB) is now the Wireline Competition Bureau.

² Letter from Patrick J. Donovan, Counsel for Mpower Communications Corp., to Marlene H. Dortch, Secretary, Federal Communications Commission, CCB/CPD File No. 01-06 and WC Docket No. 03-173 (filed Jan. 5, 2004); *see Review of the Commission's Rules Regarding the Pricing of Unbundled Network Elements and the Resale of Service by Incumbent Local Exchange Carriers*, WC Docket No. 03-173, Notice of Proposed Rulemaking, 18 FCC Rcd 18945 (2003).

³ 47 C.F.R. § 1.748.