



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 04-1869
June 25, 2004

**PLEADING CYCLE ESTABLISHED FOR COMMENTS
ON QWEST'S PETITION FOR FORBEARANCE
IN THE OMAHA METROPOLITAN STATISTICAL AREA**

WC Docket No. 04-223

Comments Due: August 10, 2004
Reply Comments Due: September 9, 2004

On June 21, 2004, Qwest Corporation (Qwest) filed a petition pursuant to section 10 of the Communications Act of 1934, as amended,¹ requesting that the Commission forbear from applying the requirements of section 251(c) as well as sections 271(c)(2)(B)(i-vi) and (xiv) to its provision of telecommunications services in the Omaha, Nebraska Metropolitan Statistical Area (MSA).² Furthermore, Qwest requests that the Commission forbear from regulating Qwest as both a dominant carrier and as the incumbent local exchange carrier (LEC) in the Omaha MSA.³ First, Qwest asserts that by permitting it to provide interLATA services originating in Nebraska, the Commission has already determined that Qwest has "fully implemented" the requirements of section 251(c) and section 271 in Nebraska, as required by section 10(d).⁴ In addition, Qwest argues that because of intense competition from facilities-based wireline carriers, intermodal competitors (such as cable television providers), and commercial mobile radio service providers in the Omaha MSA, it has lost its market power and dominant status and, thus, should be relieved of the relevant regulatory requirements.⁵

This Public Notice establishes certain procedural requirements relating to consideration of Qwest's Petition. 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

¹ See 47 U.S.C. § 160 (2002).

² Qwest Corporation Petition for Forbearance Pursuant to 47 U.S.C. § 160(c), WC Docket No. 04-223 (filed June 21, 2004) ("Qwest Petition" or "Petition").

³ See Qwest Petition at 1.

⁴ See Qwest Petition at 4, 30-31; 47 U.S.C. § 160(d).

⁵ See Qwest Petition at 1, 3-4.

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 Qwest's petition on or before **August 10, 2004**, and reply comments on or before **September 9, 2004**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. One (1) courtesy copies must be delivered to Janice M. Myles at Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C140, Washington, DC 20554, or via e-mail, janice.myles@fcc.gov, and one (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

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 <<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. 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, Natek, 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, D.C. 20554.

Filings and comments are also 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, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

For further information regarding this proceeding, contact Pamela Arluk, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail pamela.arluk@fcc.gov.

- FCC -