



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2474
August 5, 2004

Citizens Utilities Company Emergency Petition for Waiver of Sections 61.45(b)(1) and 61.45(c) of the Commission's Rules
CCB/CPD File No. 97-39 (DA 97-1629)

SNET Petition for Waiver and/or Amendment of Part 61 of the Commission's Rules Establishing an X-Factor of 6.5%
CCB/CPD File No. 97-41 (DA 97-1757)

NOTICE OF PROCEEDING TERMINATIONS

On July 14, 1997, Citizens Utilities Company (Citizens) filed an emergency petition for waiver¹ of the Commission's rules requiring it to apply a productivity X-factor of 6.5 percent under the price cap rules as established in the *1997 Price Cap Review Order*.² On August 13, 1997, the Southern New England Telephone Company (SNET) also filed a petition for waiver and/or amendment of the Commission's rules establishing a 6.5 percent productivity X-factor.³ On October 7, 2003, SBC, SNET's parent company, filed a request to withdraw its petition.⁴ On August 2, 2004, Citizens filed a request to withdraw its petition.⁵ The Citizens Petition and the SNET Petition are dismissed without prejudice.⁶ Since the filing of the Citizens Petition and the SNET Petition, the Commission has revised its rules regarding the 6.5 percent productivity X-factor.⁷ The changes to the Commission's X-factor rules and the

¹ Emergency Petition for Waiver of Sections 61.45(b)(1) and 61.45(c) of the Commission's Rules Filed by the Citizens Utilities Company Local Exchange Companies, CCB/CPD File No. 97-39 (filed July 14, 1997) (Citizens Petition).

² *Price Cap Performance Review for Local Exchange Carriers*, Fourth Report and Order in CC Docket No. 94-1 and Second Report and Order in CC Docket No. 96-262, 12 FCC Rcd 16642 (1997) (*1997 Price Cap Review Order*).

³ The Southern New England Telephone Company Petition for Waiver and/or Amendment of Part 61 of the Commission's Rules Establishing an "X-Factor" of 6.5%, CCB/CPD File No. 97-41 (filed Aug. 13, 1997) (SNET Petition).

⁴ Letter from David J. Hostetter, Executive Director-Federal Regulatory, SBC Communications, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Oct. 7, 2003).

⁵ Letter from Robert D. Binder, Manager-Federal Regulatory Affairs, Frontier-a Citizens Communications Company, to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Aug. 2, 2004).

⁶ 47 C.F.R. § 1.748.

⁷ See *Access Charge Reform*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962, 13028-13029, paras.

passage of time have mooted the issues raised in the Citizens Petition and the SNET Petition. Therefore, these proceedings will be terminated effective 30 days after publication of this Public Notice in the Federal Register, unless the Wireline Competition Bureau receives an opposition to the terminations before that date.

Parties filing oppositions to the termination of these proceedings must file an original and four copies of each filing. The filings should reference **CCB/CPD File No. 97-39** for the Citizens Petition, and **CCB/CPD File No. 97-41** for the SNET Petition. 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, NE., Suite 110, Washington, DC 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, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW., Washington, DC 20554. Parties should also send a copy of their filings to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A263, 445 12th Street, SW., Washington, DC 20554, or by e-mail to jennifer.mckee@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

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

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

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