



PUBLIC NOTICE

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**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
PETITION FOR RULEMAKING
AND
PETITION FOR RELIEF IN
SECTION 214 VIDEO DIALTONE APPLICATION PROCESS**

Released: June 13, 1994

On May 23, 1994, the Center for Media Education, Consumer Federation of America, the Office of Communication of the United Church of Christ, the National Association for the Advancement of Colored People, and the National Council of La Raza ("Petitioners") filed a petition for rulemaking and a petition for relief.

In the petition for rulemaking, the Petitioners request that the Commission expeditiously initiate a rulemaking proceeding "to adapt the Section 214 application process for the better resolution of issues which have arisen in the context of applications to construct video dialtone facilities." The Petitioners state that the Commission currently relies on the Section 214 application as the method for handling unresolved video dialtone issues, but that Section 214 does not provide the public and video dialtone providers with guidelines for fair deployment. Specifically, the Petitioners assert that pending video dialtone proposals reveal an unacceptable pattern of "redlining" of minority or low income neighborhoods.

In order to address such issues, the Petitioners request that the Commission amend Section 214 to include an explicit and enforceable anti-redlining provision. The Petitioners also request that the 214 application process be opened up to include significant public participation. Specifically, the Petitioners argue that telephone companies should be required, at each phase of deployment, to make video dialtone service available to a proportionate number of lower income and minority customers. The Petitioners argue that the Commission should require that Section 214 applications include the relevant census tract data, such as race, ethnicity, and income statistics for each exchange (NXX) service. The Petitioners also argue that telephone companies should be required to give local public notice and to hold a public hearing to disclose the specifics of their video dialtone plans.

In the petition for relief, the Petitioners again allege that there are indications of "electronic redlining" in the construction applications of several Regional Bell Operating Companies (RBOCs). The Petitioners state that the RBOCs propose to bypass many lower income and/or minority communities in their initial deployment of video dialtone service. The Petitioners argue that this is a discriminatory practice inconsistent with the goal of universal service as established in the Communications Act.

To immediately address redlining issues, the Petitioners request that the Commission: (1) issue a policy statement announcing its commitment to the goal of universal video dialtone service, and to nondiscriminatory deployment at each phase of construction; (2) issue an interpretative rule clarifying that applicants seeking to construct and operate video dialtone facilities are already required to adhere to the objectives of universal service and the avoidance of discrimination on the basis of income level, race, or ethnicity; and (3) adopt a procedural rule instructing its staff to identify and bring to its attention applications that appear to violate these objectives, and remand these applications so that the telephone common carriers have the opportunity to conform them to the existing objectives.

Interested parties should file comments on these petitions by **June 28, 1994**, and reply comments by **July 6, 1994**, with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. A copy should also be sent to Peggy Reitzel, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, and to the Commission's contractor for public service records duplication: ITS, Inc. 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Copies of the petitions can be obtained from ITS at (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's ex parte rules. See generally 47 C.F.R. §§ 1.1200-1.1216. For further information contact Peggy Reitzel, Policy and Program Planning Division of the Common Carrier Bureau, at (202) 632-1300.

Federal Communications Commission