



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 98-2509

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: December 8, 1998

**Petition of SBC Communications, Inc. for Forbearance from Regulation
as a Dominant Carrier for High Capacity Dedicated Transport Services
in Fourteen Metropolitan Service Areas
CC Docket No. 98-227**

Pleading Cycle Established

COMMENTS: January 21, 1999

REPLY COMMENTS: February 11, 1999

On December 7, 1998, SBC Communications, Inc. (SBC) filed a petition requesting that the Commission exercise its authority to forbear from regulating SBC as a dominant carrier in the provision of high capacity dedicated transport services in fourteen metropolitan service areas (MSAs), pursuant to Section 10 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), 47 U.S.C. § 160. The MSAs in which SBC seeks relief are as follows: Little Rock, AR; Los Angeles, CA; Sacramento, CA; San Diego, CA; San Francisco, CA; San Jose, CA; St. Louis, MO; Reno, NV; Oklahoma City, OK; Austin, TX; Dallas/Ft. Worth, TX; El Paso, TX; Houston, TX; and San Antonio, TX.

For high capacity dedicated transport services in these MSAs, SBC requests that the Commission forbear from enforcing any of its Part 61 tariffing rules and Part 69 access charge rules that currently apply to SBC and not to SBC's competitors. See 47 C.F.R. Parts 61 and 69. In particular, such forbearance would permit SBC, with respect to high capacity dedicated transport services in the MSAs listed above, to geographically deaverage its rates, to file tariffs on one day's notice with a presumption of lawfulness, and to offer contract-based pricing, volume and term discounts, and promotional options. SBC contends that its petition satisfies the criteria for forbearance set forth in Section 10 of the Act, 47 U.S.C. § 160, because SBC lacks market power in the provision of high capacity dedicated transport services in the fourteen markets listed above.

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 sentence description of the views and arguments presented is generally required. 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).

Interested parties may file comments on or before **January 21, 1999**, and reply comments on or before **February 11, 1999**. When filing comments and/or reply comments, please reference **CC Docket No. 98-227**.

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*, 13 FCC Rcd 11322 (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>>. In completing the transmittal screen, commenters should include their full name, 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 all comments and reply comments. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 - 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with the Commission's duplicating contractor, International Transcription Services (ITS), 1231 - 20th Street, N.W., Washington, D.C. 20036 and one copy with the Chief, Competitive Pricing Division, Room 518, 1919 M Street, N.W., Washington, D.C. 20554.

For further information, contact Harold Watson or Joel Taubenblatt at (202) 418-1520, TTY: (202) 418-0484.

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