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Federal Communications Commission
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DA 00-592

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON THE
REVISED PETITION OF MCI WORLDCOM, INC. FOR DECLARATORY RULING
REGARDING THE PROCESS FOR ADOPTION OF AGREEMENTS
PURSUANT TO SECTION 252(i) OF THE COMMUNICATIONS ACT
AND SECTION 51.809 OF THE COMMISSION'S RULES**

CC Docket No. 00-45

Released: March 16, 2000

On March 7, 2000, MCI WorldCom, Inc. (MCI WorldCom) filed a petition seeking a declaratory ruling concerning a requesting carrier's ability to adopt previously approved interconnection agreements under section 252(i) of the Communications Act of 1934, as amended.

MCI WorldCom specifically requests that the Commission declare that:

- (1) a requesting carrier's right under section 252(i) of the Act and section 51.809(a) of the Commission's Rules to effectively adopt interconnection agreements previously approved by a state commission is not subject to state commission approval;
- (2) a requesting carrier's adoption is effective on the date of notice of adoption (Notice of Adoption) to the incumbent local exchange carrier (LEC);
- (3) when an incumbent LEC challenges an adoption pursuant to Commission Rule 51.809(b), it only can be excused from complying with the adopted terms when it promptly carries its burden of proving one of the following: 1) that the costs of providing interconnection to the requesting carrier are greater than the costs of providing it to the carrier that originally negotiated the agreement; 2) that the proposed adoption is technically infeasible; or, in the "pick and choose" context, that the carrier has failed to adopt legitimately related terms and conditions. 47 C.F.R. § 51.809(b);
- (4) unless a state commission affirmatively determines that an incumbent LEC has satisfied its burden of proof with respect to the criteria concerning cost and/or technical feasibility set forth in section 51.809(b), or with respect to claims of legitimately related terms, the effective date of the agreement is retroactive to the date of the Notice of Adoption;
- (5) when an incumbent LEC raises claims of increased costs or technical feasibility pursuant to section 51.809(b), or claims regarding legitimately related terms, state

commissions must establish an expedited process for a determination on the incumbent LEC's showing; and

- (6) during the pendency of such claims, an incumbent LEC must honor the adoption of terms other than those being challenged under the rubric of increased cost, technical unfeasibility or an absence of legitimately related terms.

Interested parties may file comments regarding the MCI WorldCom petition no later than **March 31, 2000**, with the Secretary, FCC at 445 12th Street, SW, TW-A325, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **April 11, 2000**. All pleadings are to reference **CC Docket No. 00-45**. Interested parties should file an original and seven copies of all pleadings. An additional copy of all pleadings must also be sent to Janice M. Myles, Common Carrier Bureau, FCC, Room 5-C327, 445 12th Street, SW, TW-A325, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 1231 20th Street, NW, Washington, DC 20036. The MCI WorldCom petition is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 1231 20th Street, NW, Washington, DC 20036 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/efcs.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 for each docket or rulemaking number referenced in the caption. 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 efcs@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.

We will treat this proceeding as permit, but disclose for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation 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. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice M. Myles and ITS, with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified above.

For further information, contact Janice M. Myles, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580, e-mail jmyles@fcc.gov.