



PUBLIC NOTICE

FCC ACTION SECTION
MAY 18 11 00 AM '00
Federal Communications Commission
445 12th St., 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 00-1067
Released: May 15, 2000

COMMON CARRIER BUREAU SEEKS COMMENT ON THE REQUESTS FOR EMERGENCY TEMPORARY RELIEF OF THE MINNESOTA CLEC CONSORTIUM AND THE RURAL INDEPENDENT COMPETITIVE ALLIANCE ENJOINING AT&T CORP. FROM DISCONTINUING SERVICE PENDING FINAL DECISION

CC Docket No. 96-262

Comment Date: June 14, 2000

Reply Date: June 29, 2000

On February 18, 2000, the Rural Independent Competitive Alliance (RICA), a coalition of competitive local exchange carriers (CLECs) serving rural areas, and its members filed a request for emergency relief. On May 5, 2000, the Minnesota CLEC Consortium (Consortium) filed a similar request for emergency relief. RICA and the Consortium request immediate Commission action to prohibit AT&T Corp. (AT&T) from withdrawing its interexchange services from the customers of RICA members, Consortium members, and similarly situated CLECs. Both requests raise issues on which the Commission previously sought comment in the *Access Charge Reform FNPRM* released on August 27, 1999.¹ RICA and the Consortium contend that the Commission must prohibit AT&T from unilaterally withdrawing its interexchange services from their members' customers so as to prevent AT&T from prejudicing the rulemaking proceeding. RICA and the Consortium further argue that they are entitled to injunctive relief because (1) AT&T's actions are clearly illegal, making it likely that RICA and the Consortium will succeed on the merits; (2) RICA and Consortium members will suffer irreparable harm if the Commission does not act; (3) AT&T will not be harmed if relief is granted; and (4) the requested relief serves the public interest.

The Common Carrier Bureau seeks comment on these requests for relief. Comments should address whether RICA and the Consortium have satisfied the standard for emergency relief. Parties filing comments should not repeat the arguments they made in their comments

¹ See *In the Matter of Access Charge Reform*, CC Docket No. 96-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221, 14341-42 (paras. 241-242) (1999) (*Access Charge Reform FNPRM*).

responding to the *Access Charge Reform FNPRM*, but they may incorporate those arguments by reference.

Interested parties may file comments on the requests for emergency temporary relief of RICA and the Consortium on or before **June 14, 2000**. Reply comments are due on or before **June 29, 2000**. 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. 24,121 (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>>. 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, 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 choosing to file by paper must send an original and two copies of each filing to Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-A325, Washington, D.C. 20554. The filing date of pleadings is the date of receipt. See 47 C.F.R. § 1.7. When filing pleadings, please reference **CC Docket No. 96-262**. In addition, one copy of each pleading must be sent to: Wanda Harris, Competitive Pricing Division, 445 12th Street, S.W., 5-A452; and International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington, D.C. 20036. Copies of filings are available for inspection and copying during normal business hours in the FCC's Reference Information Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies also can be obtained from ITS at 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800 (voice), (202) 857-3805 (fax). Pleadings also must be served on RICA and the Consortium in accordance with the provisions of 47 C.F.R. §§ 1.47.

The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. This document also may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, telephone 202-857-3800, facsimile 202-857-3805. In addition, this document may be viewed on the Commission's Home Page (HYPERLINK http://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/2000/da001067.doc)

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. 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).

For further information contact Lloyd Collier, 202-418-1530 (voice) or (202) 418-0484 (TTY).