



PUBLIC NOTICE

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FEDERAL COMMUNICATIONS COMMISSION

DA 07-731

Released: February 16, 2007

PLEADING CYCLE ESTABLISHED FOR AT&T INC. PETITION FOR FORBEARANCE FROM THE COMMISSION'S COST ASSIGNMENT RULES

WC Docket No. 07-21

COMMENTS: March 19, 2007

REPLY COMMENTS: April 9, 2007

On January 25, 2007, AT&T Inc. (AT&T), on behalf of itself and its affiliates¹ filed a petition pursuant to section 10 of the Communications Act of 1934, as amended (the Act),² asking the Commission to forbear from enforcement of certain of the Commission's cost assignment rules.³ On February 9, 2007, AT&T, on behalf of BellSouth, withdrew a BellSouth forbearance petition previously filed in WC Docket No. 05-342, which seeks similar relief, and AT&T refiled that BellSouth petition in this docket, WC Docket No. 07-21.⁴ AT&T, in these two petitions, seeks forbearance from the following rules: section 32.23 (Nonregulated activities), section 32.27 (Transactions with affiliates); Part 64 Subpart I (referred to as "cost allocation rules"); Part 36 (referred to as "jurisdictional separations rules"); Part 69, Subparts D and E (referred to as "cost apportionment rules"); and other related rules that are derivative of, or dependent on, the foregoing rules.⁵ The petitions also seek limited forbearance from section 220(a)(2) of the Act to the extent this provision contemplates separate accounting of nonregulated costs.⁶ We synchronize the comment cycles for the AT&T petition and the resubmitted BellSouth petition, and incorporate the record from WC Docket No. 05-342 into WC Docket No. 07-21.

¹ The affiliates include: Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Bell Telephone Company, Nevada Bell Telephone Company, The Southern New England Telephone Company, Southwestern Bell Telephone, L.P., Wisconsin Bell, Inc., SBC Advanced Solutions, Inc., Ameritech Advanced Data Services, Inc. of Illinois, Ameritech Advanced Data Services, Inc. of Indiana, Ameritech Advanced Data Services, Inc. of Michigan, Ameritech Advanced Data Services, Inc. of Ohio, and Ameritech Advanced Data Services, Inc. of Wisconsin.

² 47 U.S.C. § 160.

³ Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket No. 07-21. Petition for Forbearance (filed Jan. 25, 2007).

⁴ Letter from Theodore Marcus, Senior Attorney, AT&T Services, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-342 (Feb. 9, 2007). AT&T Inc. and BellSouth Corporation merged on December 29, 2006. See AT&T and BellSouth Join to Create a Premier Global Communications Company, News Release, at <http://www.att.com/gen/press-room?pid=4800&cdvn=news&newsarticleid=22860>.

⁵ See 47 C.F.R. §§ 32.23, 32.27, Parts 36, 64 Subpart 1, and 69 Subparts D and E.

⁶ 47 U.S.C. § 220(a)(2).

We invite comment on the AT&T and BellSouth petitions. Interested parties may file comments on or before **March 19, 2007** and reply comments on or before **April 9, 2007**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, 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, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **WC Docket No. 07-21**. 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." 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 each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

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, D.C. 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, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties should also send a copy of their filings to Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A361, 445 12th Street, SW, Washington, D.C. 20554 or by e-mail to lynne.engledow@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 07-21 are available for public inspection and copying during business hours at the FCC Reference Information Center, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at telephone (202) 418-0530 or TTY (202) 418-0432.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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 *et seq.* 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 generally is required. *See* 47 C.F.R. § 1.1206(b)(2). 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. *See* 47 C.F.R. § 1.1206(b).

For further information, contact Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

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