



PUBLIC NOTICE

Federal Communications Commission
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PARTIES ASKED TO REFRESH RECORD REGARDING PROMOTION OF COMPETITIVE NETWORKS IN LOCAL TELECOMMUNICATIONS MARKETS

WT Docket No. 99-217
CC Docket No. 96-98

Comment Date: [60 days after publication in the Federal Register]

Reply Comment Date: [90 days after publication in the Federal Register]

The Commission invites interested parties to update the record pertaining to issues raised in the Commission's *Competitive Networks* proceeding in light of marketplace and industry developments. In October 2000, the Commission issued a Further Notice of Proposed Rulemaking as part of its efforts under the Telecommunications Act of 1996 to foster competition in local communications markets and to promote the continued deployment of competitive and advanced telecommunications services by implementing measures and requesting comment on potential additional actions to ensure that competing telecommunications providers are able to provide services to customers in multiple tenant environments (MTEs).¹ Among other issues, the Commission sought comment on the status of the market for the provision of telecommunications services in MTEs, and on whether the prohibition on exclusive access contracts in commercial MTEs should be extended to residential MTEs.²

When the Commission released the *Competitive Networks FNPRM* in 2000, the real estate industry had just begun to undertake a number of voluntary commitments aimed at improving MTE owners' processing of tenant requests for service from alternative telecommunications carriers and carrier requests for access to MTEs to serve tenants. An update on the progress of those efforts is appropriate at this time. In addition, since the release of the *FNPRM*, intervening industry developments may have rendered the record developed in this proceeding stale. In particular, the market appears to be shifting from competition between stand-alone services to competition between service bundles including

¹ *Promotion of Competitive Networks in Local Telecommunications Markets*, First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88-57, 15 FCC Rcd 22983 (2000) (*Competitive Networks FNPRM*); Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151 *et seq.* (1996 Act).

² *Competitive Networks FNPRM*, 15 FCC Rcd at 22988-89, paras. 7-9. The Commission is currently reviewing a related issue concerning the use of exclusive contracts for the provision of video services to multiple dwelling units or other real estate developments. See *Exclusive Service Contracts for the Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments*, MB Docket No. 07-51, Notice of Proposed Rulemaking, FCC 07-32 (rel. Mar. 27, 2007).

broadband, local exchange, and long distance services. The industry structure has also changed with the mergers of service providers.³ For these reasons, the Wireline Competition Bureau requests that parties update the record with any new information or arguments they believe to be relevant to issues raised in the *Competitive Networks FNPRM*. This will enable the Commission to undertake appropriate review of the status of the deployment of competitive and advanced telecommunications services in MTEs and to determine whether additional action is necessary to address the ability of premises owners to discriminate unreasonably among competing telecommunications service providers.

Interested parties may file comments on or before **[60 days after publication in the Federal Register]**, and reply comments on or before **[90 days after publication in the Federal Register]**. All filings should refer to **WT Docket No. 99-217** and **CC Docket No. 96-98**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁴

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor 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

³ See, e.g., *SBC Communications Inc. and AT&T Corp. Application for Approval of Transfer of Control*, WC Docket No. 05-65, Memorandum Opinion and Order, 20 FCC Rcd 18290 (2005); *Verizon Communications Inc. and MCI, Inc. Application for Approval of Transfer of Control*, WC Docket No. 05-75, Memorandum Opinion and Order, 20 FCC Rcd 18433 (2005); *FCC Approves Merger of AT&T Inc. and BellSouth Corporation*, WC Docket No. 06-74, Public Notice (rel. Dec. 29, 2006).

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

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, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: 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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-C140, 445 12th Street, SW, Washington, DC 20554, or by e-mail to Janice.Myles@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in CC Docket Nos. 96-98 and 88-57 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. 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. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

For further information, contact Jeremy Miller of the Competition Policy Division, Wireline Competition Bureau, at (202) 418-1507, or email Jeremy.Miller@fcc.gov.

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