



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 07-3194

Released: July 12, 2007

COMMENTS SOUGHT ON EMBARQ PETITION FOR WAIVER TO ALLOW IT TO EXERCISE PRICING FLEXIBILITY FOR CERTAIN PACKET-SWITCHED SERVICES

WC Docket No. 07-142

COMMENTS DUE: July 23, 2007

REPLY COMMENTS DUE: July 30, 2007

On July 2, 2007, Embarq filed a petition requesting that the Commission waive certain rules in order to permit Embarq to exercise pricing flexibility for certain services that use packet-switched technology, which it calls Specialized Network Services.¹ Specifically, Embarq seeks this relief for Frame Relay, Wide Area Data Network, and Asynchronous Transfer Mode Services and Custom Access Solutions in those areas where Embarq has already qualified for pricing flexibility for other special access services.² Embarq asserts that it seeks the same pricing flexibility relief for its packet-switched services that was previously granted by the Commission to AT&T, Qwest, and Verizon.³

Interested parties may file comments on or before **July 23, 2007**, and reply comments on or before **July 30, 2007**. Filings in this proceeding should be captioned "In the Matter of Embarq Petition for Waiver of Pricing Flexibility Rules for Specialized Network Services" and filed in WC Docket No. 07-142. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴

¹ Petition for Waiver of Pricing Flexibility Rules for Specialized Network Services at 1-2 (filed July 2, 2007) (Petition).

² *Id.* at 2-4.

³ *Id.* at 2 (citing *SBC Communications Inc. Petition for Waiver of Section 61.42 of the Commission's Rules*, WC Docket No. 03-250, Order, 22 FCC Rcd 7224 (Wireline Comp. Bur. 2007); *Qwest Petition for Waiver of Pricing Flexibility Rules for Advanced Communications Networks Services*, WC Docket No. 06-187, Order, 22 FCC Rcd 7482 (Wireline Comp. Bur. 2007); *Verizon Petition for Waiver of Pricing Flexibility Rules for Fast Packet Services*, WC Docket No. 04-246, Memorandum Opinion and Order, 20 FCC Rcd 16840 (2005)).

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

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. 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 subject line or body of the message: get form <your email address>. 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, DC 20002. The filing hours at this location are 8 a.m. to 7 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, 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 & 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 by e-mail to Deena Shetler and Marvin Sacks (deena.shetler@fcc.gov and marvin.sacks@fcc.gov) of the Pricing Policy Division, Wireline Competition Bureau at the Commission. Parties must 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 this proceeding are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 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. The documents also may be

viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making oral *ex parte* presentations are reminded that memoranda summarizing presentations must contain summaries 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 generally is required.⁶ 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.⁷

For further information, contact Marvin Sacks of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*

⁶ *See* 47 C.F.R. § 1.1206(b)(2).

⁷ 47 C.F.R. § 1.1206(b).