



PUBLIC NOTICE

Federal Communications Commission
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September 29, 2008

COMMENT DATES SET ON QWEST COMPLIANCE PLAN FOR FORBEARANCE RELIEF FROM COST ASSIGNMENT RULES

WC Docket No. 07-21

Comments Due: October 14, 2008

Reply Comments Due: October 29, 2008

On April 24, 2008, the Commission conditionally granted AT&T's and BellSouth's (collectively AT&T) petitions for forbearance from section 220(a)(2) of the Act (to a limited extent) and various rules, including the following: section 32.23 (nonregulated activities); section 32.27 (transactions with affiliates); Part 64, Subpart I (allocation of costs); Part 36 (jurisdictional separations procedures); Part 69, Subparts D and E (cost apportionment); and other related rules that are derivatives of, or dependent on, the foregoing rules.¹ The Commission referred to the statutory provision and Commission rules from which AT&T sought forbearance collectively as the "Cost Assignment Rules." On September 6, 2008, the Commission extended forbearance from the Cost Assignment Rules to Verizon and Qwest to the same extent granted to AT&T and subject to the same conditions.² The grant was expressly conditioned on, among other things, the Wireline Competition Bureau's approval of a compliance plan to be filed by Qwest describing in detail how it will continue to fulfill its statutory and regulatory obligations.³

On September 24, 2008, Qwest filed its compliance plan in WC Docket No. 07-21.⁴ Comments on the Qwest Compliance Plan are due on or before **October 14, 2008**, and reply comments are due on or before **October 29, 2008**. All pleadings should reference **WC Docket No. 07-21**. Parties are reminded

¹ *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 Nos. 07-21, 05-342, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) (*AT&T Cost Assignment Forbearance Order*), *pet. for recon. pending, pet. for review pending, NASUCA v. FCC*, Case No. 08-1226 (D.C. Cir. filed June 23, 2008).

² *Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering*, WC Docket Nos. 08-190, 07-139, 07-204, 07-273, 07-21, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 08-203, paras. 23-32 (rel. Sept. 6, 2008) (*Verizon/Qwest Cost Assignment Forbearance Order*).

³ See *Verizon/Qwest Cost Assignment Forbearance Order*, FCC 08-203 at paras. 27-28; see also *AT&T Cost Assignment Forbearance Order*, 23 FCC Rcd at 7319-20, para. 31.

⁴ Letter from Melissa E. Newman, Vice President – Federal Regulatory, Qwest Communications International Inc., to Dana Shaffer, Chief, Wireline Competition Bureau, FCC, WC Docket Nos. 07-204, 07-21 (filed Sept. 24, 2008) (Qwest Compliance Plan).

that any comments filed in response to this Public Notice should be limited to Qwest's Compliance Plan and its consistency with the requirements of the *Verizon/Qwest Cost Assignment Forbearance Order*. Comments filed in response to this Public Notice that go beyond its scope, such as comments addressing the merits of granting forbearance relief to Qwest in the first instance, will not be considered.⁵

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 generally is 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).

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. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **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, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All

⁵ We note that, separately, a petition for reconsideration of the *AT&T Cost Assignment Forbearance Order* is pending before the Commission. See *Sprint Nextel Corporation et al.*, Petition for Reconsideration, WC Docket Nos. 07-21, 05-342 (filed May 27, 2008).

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 must be addressed to 445 12th Street, SW, Washington DC 20554.

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Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

For further information regarding this proceeding, contact Christi Shewman, Pricing Policy Division, Wireline Competition Bureau, 202-418-1686.

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