



PUBLIC NOTICE

Federal Communications Commission
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May 18, 2018

PLEADING CYCLE ESTABLISHED FOR CENTURYLINK PETITION FOR DECLARATORY RULING

WC Docket No. 10-90; CC Docket No. 01-92

Comment Date: June 18, 2018
Reply Comment Date: July 3, 2018

By this Public Notice, the Wireline Competition Bureau invites interested parties to comment on a Petition for Declaratory Ruling filed by CenturyLink Inc. (CenturyLink) on May 11, 2018.¹ The Commission issued a *Declaratory Ruling* in 2015 to address disagreements over the application of the VoIP symmetry rule to long distance providers delivering traffic by partnering with "over the top" VoIP service providers that do not have last-mile physical connections to end users.² In the *Declaratory Ruling*, the Commission determined that over-the-top VoIP providers and their partnering LECs provide the functional equivalent of end-office switching services and are entitled to impose end office switching charges.³ In 2016, the D.C. Court of Appeals vacated and remanded the Declaratory Ruling "for further explanation."⁴ In its Petition, CenturyLink urges the Commission to "complete the remand" from the Court of Appeals and to resolve the underlying dispute regarding the proper interpretation of its rules.⁵

Interested parties may file comments and reply comments on or before the respective dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). 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: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

¹ *CenturyLink Inc., Petition for a Declaratory Ruling*, WC Docket No. 10-90, CC Docket No. 01-92 at 1 (filed May 11, 2018) (Petition).

² *Connect America Fund et al.*, WC Docket No. 10-90, CC Docket No. 01-92, Declaratory Ruling, 30 FCC Rcd 1587 (2015) (*Declaratory Ruling*).

³ *Declaratory Ruling*, 30 FCC Rcd at 1596, paras. 19-20.

⁴ *AT&T Corp. v. FCC et al.*, 841 F.3d 1047, 1049 (D.C. Cir. 2016).

⁵ Petition at 1-2.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 D.C. 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) or (202) 418-0432 (tty).

The proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Rhonda Lien, Pricing Policy Division, Wireline Competition Bureau at (202) 418-2196 or via email at rhonda.lien@fcc.gov .

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⁶ 47 CFR §§ 1.1200 *et seq.*