



network changes.<sup>2</sup> The Commission also affirmed that the waiting period for copper retirements begins to run upon the release of the public notice by the Commission, not when the incumbent LEC files its copper retirement notification with the Commission.<sup>3</sup> The Commission now seeks comment on AT&T's request that the waiting period for short term network changes commence when the incumbent LEC files a notice of the network change with the Commission. The Commission rules already provide a very short waiting period—only 10 days from the Commission's issuance of a public notice—for short-term network change notifications to take effect.<sup>4</sup> AT&T's proposal would reduce this time period even further. As it did with the copper retirement notification rules, the Commission should reject this proposal and continue to have the effective date of the notices be calculated based on the issuance of the public notice by the Commission. The current process is needed to ensure adequate notification to those impacted by the change and that the objection process functions properly.

Short term change notifications are allowed for relatively minor changes that do not require a full six months to accommodate. However, as the Commission recognized in adopting its notification rules, the length of time required for notice to be considered 'reasonable' may vary considerably.<sup>5</sup> Therefore, congruent with its adoption of a very short waiting period, the Commission adopted an objection process pursuant to which an objector can have the waiting

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<sup>2</sup> *Report and Order and Further NPRM* at ¶¶ 34 – 36.

<sup>3</sup> *Id* at ¶ 65.

<sup>4</sup> 47 CFR 51.333(b)(1).

<sup>5</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 et al.*, Second Report and Order and Memorandum and Opinion and Order, 11 FCC Rcd 19392, 19492, ¶ 219 (1996) (Second Local Competition Order).

period extended.<sup>6</sup> The time period for filing objections is based on the release of the public notice by the Commission.<sup>7</sup> Accordingly, the timing for the effective date should similarly be triggered by the Commission's issuance of a public notice. If not, the objection process has no value since the network change could become effective before those impacted by the change are provided an opportunity to object to and request further time before the change is implemented.

Additionally, as with the copper retirement notices, the current practice of basing the calculation of the effective date (by which the incumbent may proceed with the change) on the issuance of a public notice by the Commission affords the Commission staff an opportunity to review incumbent filings for mistakes or noncompliance with Commission rules—which the Commission has recognized as necessary.<sup>8</sup> Moreover, AT&T has failed to provide any reason or demonstrate any harm that justifies a change in the rule.

Respectfully submitted,

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<sup>6</sup> 47 CFR 51.333(c).

<sup>7</sup> “An objection to an incumbent LEC’s short term notice or to its copper retirement notice may be filed by an information service provider or telecommunications service provider that directly interconnects with the incumbent LEC’s network. Such objections must be filed with the Commission, and served on the incumbent LEC, no later than the ninth business day following the release of the Commission's public notice.” *Id.*

<sup>8</sup> *Report and Order and Further NPRM* at ¶ 65.