



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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News media information 202/418-0500 Recorded listing of releases and texts 202/418-2222.

DA 98-1480
Approved by OMB
3060-0756
Expires 6/30/01
Avg. burden hours per response: 250
July 23, 1998

REVISED COMMENT CYCLE ON APPLICATION BY BELLSOUTH CORPORATION, BELLSOUTH TELECOMMUNICATIONS, INC., AND BELLSOUTH LONG DISTANCE, INC. FOR PROVISION OF IN-REGION, INTERLATA SERVICES IN LOUISIANA (CC DOCKET NO. 98-121)

On July 9, 1998, BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. (collectively, BellSouth) filed an application for authorization to provide in-region, interLATA service in Louisiana, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271. On July 9, the Common Carrier Bureau (Bureau) issued a Public Notice establishing certain procedural requirements relating to the Commission's processing of that application.¹

Upon inspection of the application, the Bureau learned that several attachments were incorrectly compiled and reproduced. After discussing the situation with the Bureau, BellSouth performed a review of the copies filed with the Secretary, the Bureau Staff, and ITS, the Commission's copy contractor, and found similar problems. At the Bureau's direction, BellSouth filed a letter, a copy of which is attached hereto, stating that it has filed replacement sections with the Commission and ITS.² ITS has agreed to deliver today the

¹ The Commission in a prior Public Notice adopted other procedural requirements that apply to the processing of this and all other applications for authorization under section 271 of the Act. *See Revised Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, FCC 97-330 (rel. Sept. 19, 1997) (OMB Control No. 3060-0756).

² Letter from Michael K. Kellogg, Counsel for BellSouth to Kathryn C. Brown, Chief, Common Carrier Bureau, FCC (dated July 23, 1998) (*BellSouth Letter*).

replacement sections at no charge to the parties to all parties to whom ITS provided copies of BellSouth's application. BellSouth states in its letter that it "has no objection to a revised schedule in this docket that would postpone all comments and replies, as well as the Commission's deadline for decision, for an appropriate period of time."³

Under the *Revised Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, the Commission stated that "a section 271 application, as originally filed, will include all the factual evidence on which the application would have the Commission rely in making its findings thereon." In this case, the total amount of information affected was "less than one-third of one percent of the application."⁴ Accordingly, to give interested parties an opportunity to review the corrected sections, the Bureau sets forth the following new schedule:

Comments By Interested Third Parties. Comments in support of or opposition to the BellSouth application by interested third parties must be filed on or before **August 4, 1998**.

State Commission and Department of Justice Written Consultations. The Louisiana Public Service Commission (Louisiana Commission) must file any written consultation on or before **August 4, 1998**. Any written consultation by the Department of Justice (which, by the Act's express terms, must become part of the record) must be filed on or before **August 19, 1998**.

Replies. All participants in the proceeding -- the applicant, interested third parties, the Louisiana Commission, and the Department of Justice -- may file a reply to any comments filed by any other participant on or before **August 28, 1998**.

A Commission Order on the merits of the application will be released no later than **October 13, 1998**.

Ex Parte Rules - Permit-but-Disclose Proceeding. Because of the broad policy issues involved, section 271 application proceedings initially will be considered permit-but-disclose proceedings.⁵ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with Commission *ex parte* rules.⁶ Because of the statutory time frame, however, the Commission strongly encourages parties to set forth their views comprehensively in the formal filings specified above (e.g., written consultations, oppositions, supporting comments, etc.) and not to rely on subsequent *ex parte* presentations. In any event, parties may not file more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in

³ *BellSouth Letter* at 2.

⁴ *BellSouth Letter* at 1.

⁵ *See id.* at §§ 1.1200(a), 1.1206.

⁶ *See id.* at §§ 1.1202, 1.1206(b).

response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record.

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the Louisiana Commission will be deemed to be exempt *ex parte* presentations. To the extent that the Commission obtains through such oral *ex parte* presentations new factual information on which the Commission subsequently relies in its decision-making process, the Commission will request the party submitting the information (the Department of Justice or the Louisiana Commission) to disclose such new factual information in the record, unless such a disclosure is made by the Commission itself, no later than the time the Commission releases its decision. We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Louisiana Commission.

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all presentations to its decision-making personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the application.⁷

FCC Notice to Individuals Required by the Privacy Act and the Paperwork Reduction Act. Pursuant to Section 271 of the Communications Act of 1934, as amended, the Bell Operating Companies must file applications to provide in-region, interLATA services on a state-by-state basis. The Louisiana Commission must file any written consultation relating to this application by BellSouth not later than August 4, 1998. Interested third parties may file comments on this application by BellSouth not later August 4, 1998. Any written consultation by the Department of Justice relating to this application by BellSouth must be filed not later than August 19, 1998. Any participants in this proceeding may file reply comments on this application by BellSouth not later than August 28, 1998. All of the information will be used to ensure that BellSouth has complied with its obligations under the Communications Act of 1934, as amended, before being authorized to provide in-region, interLATA services in Louisiana pursuant to section 271. Obligation to respond is not mandatory.

We have estimated that each response to this collection of information will take, on average, 250 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Washington, DC 20554, Paperwork Reduction Project (3060-0756). We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATION FORMS TO THIS ADDRESS.

⁷ Cf. §§ 1.1200(a)-(b); 1.1203.

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0756.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. Section 552a(e)(3) and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.

By the Chief, Common Carrier Bureau

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- FCC -

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July 23, 1998

EX PARTE FILING

Kathryn C. Brown, Esq.
Chief
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Room 500
1919 M Street, N.W.
Washington, D.C. 20554

Re.: *Application by BellSouth Corporation, et al., for Provision of In-Region,
InterLATA Services in Louisiana, CC Dkt. No. 98-121*

Dear Ms. Brown:

In recent discussions with the Bureau, BellSouth learned that attachments to two exhibits in appendices to BellSouth's 49,000 page application were incorrectly compiled and reproduced. BellSouth accordingly performed a thorough review of the copies filed with the Secretary, the Bureau Staff, and ITS, Inc., and found similar problems in other portions of these copies. The master copy ITS (the Commission's outside copy vendor) has used to reproduce the application for its clients is incorrect in additional respects, although we are not aware that any of these errors were present when the application was submitted to ITS.

At the Bureau's request, BellSouth is submitting today complete corrections to the application, including pages to be inserted into existing volumes. The great majority of the pages to be inserted are simply replacements for sections in which pages were out of sequence, not new pages. These replacement sections are being provided for the convenience of the Commission and interested parties. New pages, all of which are indicated on the attached errata sheet, total about one-third of one percent of the application.

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

Kathryn C. Brown, Esq.

July 23, 1998

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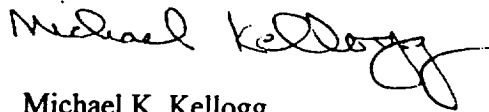
BellSouth believes that all materials needed for a favorable decision on its application were included in its July 9 filing. However, we are making these corrections to eliminate any questions regarding the completeness and accuracy of BellSouth's application. BellSouth recognizes the short deadlines that apply to section 271 proceedings. Accordingly, and pursuant to this Commission's *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, FCC 97-330 (Sept. 19, 1997), BellSouth has no objection to a revised schedule in this docket that would have the effect of postponing all comments and replies, as well as the Commission's deadline for decision, for an appropriate period of time.

Five copies of this letter and its attachments are being submitted to the Bureau. In addition, twelve copies of this letter and the attached materials are being filed with the Secretary. The United States Department of Justice and the Louisiana Public Service Commission are being served as well.

We also are providing twelve copies to ITS, which has agreed to deliver them, for receipt today, to all parties ITS has provided copies of BellSouth's application. These copies are being provided at no cost to ITS and BellSouth has offered to assume any costs of delivery.

I would be pleased to answer any questions you may have about this matter, and apologize for any inconvenience.

Yours sincerely,



Michael K. Kellogg
Counsel for BellSouth

Enclosures

ERRATA TO BELLSOUTH'S § 271 APPLICATION FOR LOUISIANA

A. Page Substitutions

- Tab 1 Insertions to Cochran Aff. Ex. IIA (App. A, Tab 4) (new pages)
- Tab 2 Attachments to Denk Declaration (App. A, Tab 6) (new pages)
- Tab 3 Substitute Funderburg Aff., Ex. JF 19-3 (App. A, Tab 7) (new pages)
- Tab 4 Substitute Milner Aff., Ex. WKM-4 (App. A, Tab 14) (contains reordered and new pages; some pages deleted)
- Tab 5 Substitute Stacy OSS Aff., Ex. WNS-45 (App. A, Tab 22) (reordered pages)
- Tab 6 Substitute Wentworth Aff., Ex. LAW-4 (App. A, Tab 26) (reordered pages)
- Tab 7 Substitute p. 14 to BellSouth/Powertel Agreement (App. B, Tab 18) (replacement page)
- Tab 8 Insertions to BellSouth/Shell Agreement (App. B, Tab 26) (new pages)
- Tab 9 Insertion to BellSouth/Mercury Agreement (App. B, Tab 37) (new page)
- Tab 10 Insertion to App. C, Tab 321, Taylor Rebuttal Test. (new page)
- Tab 11 Insertion to App. D, Tab 4, AT&T Opposition to Ameritech Motion (new page)

B. Other Errata

Brief: Page 36, line 19, delete "Id. ¶ 3". Page 38, line 10, delete "5" and insert "52". Page 47, line 2, delete citation; line 18, delete "117" and insert "124". Page 48, line 2, delete citation and insert "Varner Aff. ¶ 128; Scollard Aff. ¶ 10". Page 50, line 6, delete "156-162" and insert "139-140"; line 21, delete "interexchange". Page 51, line 1, delete "6" and insert "16". Page 52, line 3, delete "142-143" and insert "153". Page 56, line 14, delete "179" and insert "182, 186"; line 21, delete citation and insert "Id." Page 59, line 20, delete "189" and insert "192". Page 92 n.78, delete "___" and insert "2"; page 103, n.87, delete "___" and insert "5".

Barretto Aff., App. A, Tab 2: Move pages 1-5 (Staff and ITS copies only).

Funderburg Aff., App. A, Tab 7, para. 9, line 2: Insert "1" after "-".

Milner Aff., App. A, Tab 14, Ex. WKM-1, Tabs 33, 35-43: Reverse each page.

Narducci Aff., App. A, Tab 22, Ex. WNS-44, para. 36: Replace all references to "Exhibit 7" with "Exhibit 6."

Stacy OSS Aff., App. A, Tab 22: Ex. WNS-19, confidential exhibit sheets for Exs. WNS-20(a) and 20(b) should be moved from within Ex. WNS-19 to end of WNS-19; Ex. WNS-23, reverse pages 3-26 (Staff copy only).

Tipton Aff., App. A, Tab 24: Para. 4, delete "PAT - 1" and insert "PAT - 2"; para. 19, delete "PAT - 2" and insert "PAT - 1".

Varner Aff., App. A, Tab 25: Ex. AJV-4, reverse double-sided pages as needed; Ex. AJV-8, page 1, delete the caption "AJV-5".

Wentworth Aff., App. A, Tab 26: Ex. LAW-1, reverse first and second pages of exhibit; Ex. LAW-2, reverse pages 1-26 as a whole.

Wright Aff., App. A, Tab 28: Insert confidential exhibit sheet for Ex. E-REVE from end of App. A, Tab 23, Ex. WNS-1.

Yingling Aff., App. A, Tab 22, Ex. WNS-42: Move Yingling Exs. 1-6 from end of Ex. WNS-43 to Ex. WNS-42.

BellSouth/IWL Connect Agreement, App. B, Tab 46: Move Agreement and Attach. I from within Attach. III.

App. C, Tab 281: Page 3082 is after page 3118 (Staff copy only).

App. C, Tab 321, Gillan Rebuttal Test.: Delete page between pages 4 and 5.

C. Errata Found Only in ITS, INC.'s Working Copy

Betz Aff., App. A, Tab 3: Exhibits are found in App. A, Tab 4, Ex. IIA.

Milner Aff., App. A, Tab 5: Reorder pages of exhibit WKM-1.

Stacy OSS Aff., App. A, Tab 22: Ex. WNS-CD-2 (Vol. 1), pages 311-12 found after page 318; Ex. WNS-CD-4 (Vol. 4a), pages 719-26 are reversed.

BellSouth/US LEC Agreement, App. B, Tab 9: Reorder pages in addenda.

BellSouth/TCG Agreement, App. B, Tab 21: Reorder Agreement and attachments.

BellSouth/MCImetro Agreement, App. B, Tab 34: Reorder pages after Attach. IX .

BellSouth/Mercury Cellular Agreement, App. B, Tab 37: Delete first page 3; reorder pages after Attach. C-13.

BellSouth/IWL Connect Agreement, App. B, Tab 46: Pages missing from Attachs. III-VI.

App. C, Tab 179: Page 863 is missing.

App. C, Tab 273: Page 24 is missing.

App. C, Tab 281: Page 40 is after page 46.