



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W. WASHINGTON, D.C. 20554

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

DA 97-753
April 11, 1997

**COMMENTS REQUESTED ON APPLICATION BY
SBC COMMUNICATIONS, INC.
FOR AUTHORIZATION UNDER SECTION 271
OF THE COMMUNICATIONS ACT
TO PROVIDE IN-REGION, INTERLATA SERVICE
IN THE STATE OF OKLAHOMA
(CC DOCKET NO. 97-121)**

On April 11, 1997, SBC Communications, Inc. (SBC) filed an application for authorization to provide in-region interLATA service in the State of Oklahoma, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271.¹ This Public Notice establishes certain procedural requirements relating to the Commission's processing of that application. 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.² A copy of that earlier Public Notice is attached hereto. Also attached is a protective order adopted today, Application of SBC Communications, Inc. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Oklahoma, Protective Order, DA 97-729 (Common Carrier Bur. rel. April 11, 1997), that establishes the conditions under which access to confidential documents submitted in this proceeding by SBC or any other party will be made available.

Comments By Interested Third Parties. Comments in support of or opposition to the SBC application by interested third parties must be filed on or before **May 1, 1997**.

¹ Specifically, SBC Communications Inc. and its subsidiaries Southwestern Bell Telephone Company and Southwestern Bell Long Distance (SBLD) collectively seek authority for SBLD to provide in-region, interLATA services in Oklahoma.

² See *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, FCC 96-469 (rel. Dec. 6, 1996) (OMB Control No. 3060-0756).

State Commission and Department of Justice Written Consultations. The Corporation Commission of the State of Oklahoma (Oklahoma Commission) must file any written consultation on or before **May 1, 1997**. 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 **May 16, 1997**.

Replies. All participants in the proceeding -- the applicant, interested third parties, the Oklahoma Commission, and the Department of Justice -- may file a reply to any comments filed by any other participant on or before **May 27, 1997**.

Treatment of Confidential Information. Submissions by parties (including SBC, the Department of Justice, and the Oklahoma Commission) that contain no confidential information or that do not comment on any confidential information submitted by other participants in the proceeding shall be filed in conformance with the procedures set forth in the attached Public Notice.³ To the extent a submission includes confidential information or comments on confidential information that another participant has submitted, the party filing that submission shall, consistent with the attached Public Notice, file an original and five copies of a public (*i.e.*, redacted) version of its submission with the Secretary. Also, consistent with the attached Public Notice, each redacted filing must be submitted on a 3.5 inch computer diskette formatted in WordPerfect 5.1. In addition, consistent with the attached Public Notice, the party shall file an original and five copies of a confidential (*i.e.*, unredacted) version of its submission. All questions relating to access to confidential information submitted by SBC shall be directed to Michael Kellogg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., 1301 K Street, N.W., Suite 1000 West, Washington, DC 20005, Phone: (202) 326-7900.

Ex Parte Rules - Non-Restricted Proceeding. This proceeding is a non-restricted proceeding.⁴ Accordingly, *ex parte* presentations are permitted, provided they are disclosed in conformance with Commission *ex parte* rules.⁵ 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 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

³ See *Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act, supra*.

⁴ See 47 C.F.R. §§ 1.1200(a), 1.1206.

⁵ See *id.* at §§ 1.1202, 1.1206(a).

and the Oklahoma 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 may rely in its decision-making process, the party submitting the information (the Department of Justice or the Oklahoma Commission) shall prepare a summary for inclusion in the record in accordance with Commission rules,⁶ unless such a summary is being prepared by Commission staff. We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Oklahoma 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

By the Chief, Common Carrier Bureau

News Media contact: Rochelle Cohen (202) 418-1500.

FCC Common Carrier Bureau contact: Craig Brown (202) 418-1580.

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⁶ *See id.* at § 1.1206(a).

⁷ *Cf.* §§ 1.1200(a)-(b); 1.1203.