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December 22, 2000
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COMMENTS SOUGHT ON CITY SIGNAL COMMUNICATIONS, INC. PETITION FOR DECLARATORY RULING CONCERNING USE OF PUBLIC RIGHTS OF WAY FOR ACCESS TO POLES IN CLEVELAND HEIGHTS, OHIO PURSUANT TO SECTION 253

CS DOCKET NO. 00-253

Comments Due: January 30, 2001

Reply Comments Due: February 14, 2001

On October 16, 2000, City Signal Communications, Inc. filed a Petition for Declaratory Ruling seeking Commission preemption of the enforcement of any pronouncement, rule, regulation, or ordinance by City of Cleveland Heights, Ohio ("City") that prohibits or has the effect of prohibiting the use of public rights of way to string aerial fiber optic cable on existing utility poles for telecommunications purposes and seeking an order that a permit be granted to construct aerial facilities. City Signal states that it is certified as a telecommunications provider by the Public Utilities Commission of Ohio, but has been unable to get City authorization to use rights-of-way to string aerial fiber optic cable for telecommunications purposes, although other telecommunications providers have fiber on utility poles throughout the City. City Signal argues that the City's delay in granting it right-of-way authorization violates section 253 of the Communications Act of 1934, as amended, 47 U.S.C. § 253.

Interested parties may file comments regarding the City Signal Communications, Inc. petition no later than January 30, 2001 and reply comments no later than February 14, 2001, with the Magalie Roman Salas, Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-B204, Washington, DC 20554. All pleadings are to reference **CS Docket No. 00-253**. Interested parties should file an original and six copies of all pleadings. An additional copy of all pleadings must also be sent to Janice Myles, Room 5-C327, 445 12th Street, SW, Washington, DC 20554, Trudy Hercules, Room 4-C474, 445 12th Street, SW, Washington, DC 20554, and to the Commission's contractor for public services records duplication, International Transcription Services, Inc. (ITS), 445 12th Street, SW, Room CY-B402, Washington, DC 20554. The City Signal Communications, Inc. petition is available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12th Street, SW, TW-A325, Washington, DC 20554. Copies also can be obtained from ITS at 445 12th Street, SW, Room CY-B402, Washington, DC 20554 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Comments filed through the Commission's Electronic Comment Filing System ("ECFS") can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/efcs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption

of this proceeding, however, commenters must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, 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 for e-mail comments, commenters should send an e-mail to efcs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

We will treat this proceeding as "permit, but disclose" for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice Myles, Trudy Hercules, and ITS, with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified above.

For further information on City Signal Communications, Inc.'s petition contact Janice Myles, Common Carrier Bureau at (202) 418-1577, or Trudy Hercules, Cable Services Bureau at (202) 418-2288, and for general information contact Michelle Russo, Cable Services Bureau, at (202) 418-2358, e-mail mrusso@fcc.gov, or Michael Balmoris, Common Carrier Bureau, at (202) 418-0253, e-mail mbalmori@fcc.gov.

TTY: (202) 418-7172.

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