



# PUBLIC NOTICE

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## PETITIONS OF PACIFIC BELL, SOUTHWESTERN BELL, AND WINDSTREAM FOR PRICING FLEXIBILITY IN SPECIFIED METROPOLITAN STATISTICAL AREAS DEEMED GRANTED BY OPERATION OF LAW

WCB/Pricing File Nos. 12-04, 12-05, 12-06

On January 20, 2012, Pacific Bell Telephone Company (Pac Bell) and Southwestern Bell Telephone Company (SWBT) filed petitions for pricing flexibility for special access services in the San Francisco/Oakland, California and the San Antonio, Texas Metropolitan Statistical Areas (MSAs).<sup>1</sup> On January 26, 2012, Windstream Nebraska, Inc., Windstream Sugar Land, Inc., and Valor Communications of Texas, LP (collectively Windstream) filed a petition for pricing flexibility for special access services in the Houston, Texas, Lincoln, Nebraska, and Tulsa, Oklahoma MSAs.<sup>2</sup>

Section 1.774 of the Commission's rules states that "[a] petition for pricing flexibility pertaining to special access and dedicated transport services shall be deemed granted unless the Chief, Wireline Competition Bureau, denies the petition no later than 90 days after the close of the pleading cycle."<sup>3</sup> The

<sup>1</sup> *Petition of Pacific Bell Telephone Company for Pricing Flexibility Under Section 69.727 of the Commission's Rules for the San Francisco/Oakland, CA Metropolitan Statistical Area (MSA)*, Petition for Pricing Flexibility and appendices (filed Jan. 20, 2012); *Petition of Southwestern Bell Telephone Company for Pricing Flexibility Under Section 69.727 of the Commission's Rules for the San Antonio, TX Metropolitan Statistical Area (MSA)*, Petition for Pricing Flexibility and appendices (filed Jan. 20, 2012). Pac Bell and SWBT requested Phase II pricing flexibility for channel terminations to end users in the San Francisco/Oakland and San Antonio MSAs. For purposes of our pricing flexibility rules, MSAs are defined in Section 22.909(a) of the Commission's rules, 47 C.F.R. § 22.909(a). *Access Charge Reform*, CC Docket No. 96-262; *Price Cap Performance for Local Exchange Carriers*, CC Docket No. 94-1; *Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers*, CCB/CPD File No. 98-63; *Petition of U.S. West Communications, Inc. for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA*, CC Docket No. 98-157, 14 FCC Rcd 14221, 14259, para. 71 n.193 (1999), aff'd *WorldCom v. FCC*, 238 F.3d 449 (D.C. Cir. 2001). MSAs are listed in *Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties*, Public Notice, Report No. CL-92-40, 7 FCC Rcd 742 (1992).

<sup>2</sup> *Petition of Windstream Nebraska, Inc., Windstream Sugar Land, Inc., and Valor Telecommunications of Texas, LP d/b/a Windstream Communications Southwest for Pricing Flexibility as Specified in Section 69.727 of the Commission's Rules for the Houston, Texas MSA, Lincoln, Nebraska MSA and Tulsa, Oklahoma MSA*, Petition for Pricing Flexibility and appendices (filed Jan. 26, 2012). Windstream requested a combination of Phase I and Phase II pricing flexibility for special access, dedicated transport, and channel terminations to end users in their specified MSAs.

<sup>3</sup> 47 C.F.R. § 1.774(f)(1).

pleading cycles for Pac Bell's, SWBT's, and Windstream's petitions all closed on March 27, 2012.<sup>4</sup> This is to inform the public that, pursuant to section 1.744, these petitions were deemed granted by operation of law, effective June 25, 2012.

For further information, contact the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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<sup>4</sup> *Pleading Cycle Established for Pacific Bell Telephone Company Petition for Pricing Flexibility Under Section 69.727 of the Commission's Rules*, WCB/Pricing File No. 12-04, Public Notice, 27 FCC Rcd 1279 (2012); *Pleading Cycle Established for Southwestern Bell Telephone Company Petition for Pricing Flexibility Under Section 69.727 of the Commission's Rules*, WCB/Pricing File No. 12-05, Public Notice, 27 FCC Rcd 1281 (2012); *Pleading Cycle Established for Windstream Nebraska, Inc., Windstream Sugarland, Inc., and Valor Communications of Texas, LP d/b/a Windstream Communications Southwest Petition for Pricing Flexibility as Specified in Section 69.727 of the Commission's Rules*, WCB/Pricing File No. 12-06, Public Notice, 27 FCC Rcd 1334 (2012).