



# PUBLIC NOTICE

Federal Communications Commission  
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## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION OF TIME WARNER CABLE INC. FOR PREEMPTION PURSUANT TO SECTION 252(e)(5)

WC Docket No. 13-204

**Comment Date: September 6, 2013**  
**Reply Comment Date: September 20, 2013**

On August 8, 2013, Time Warner Cable, Inc. (TWC) filed a petition pursuant to section 252(e)(5) of the Communications Act of 1934, as amended (the Act), and sections 1.1 and 1.2 of the Commission's rules.<sup>1</sup> TWC asks the Commission to preempt the North Carolina Rural Electrification Authority (NCREA) with respect to the arbitration of an interconnection agreement between TWC and Star Telephone Membership Corporation (Star).<sup>2</sup>

Section 252 of the Act sets forth the procedures by which telecommunications carriers may request and obtain interconnection, services, or unbundled network elements from an incumbent local exchange carrier.<sup>3</sup> Section 252(b) permits a party negotiating an interconnection agreement to petition the relevant state commission to arbitrate any open issues.<sup>4</sup> Section 252(e)(5) requires the Commission to preempt the jurisdiction of a state commission in any proceeding or matter in which the state commission "fails to act to carry out its responsibility" under section 252.<sup>5</sup>

TWC requests that the Commission issue an order preempting the jurisdiction of the NCREA for failing to act on a specific request for arbitration of an interconnection agreement. TWC specifically requests that the Commission issue a preemption order and conduct an arbitration pursuant to section 252 to culminate in an interconnection agreement between TWC and Star. We seek comment on TWC's request.

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<sup>1</sup> 47 C.F.R. §§ 1.1, 1.2; 47 U.S.C. § 252(e)(5). Section 252 was added to the Communications Act of 1934 by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996 Act), *codified at* 47 U.S.C. §§ 151 *et seq.*

<sup>2</sup> *Petition of Time Warner Cable Inc. for Preemption Pursuant to Section 252(e)(5) of the Communications Act, as Amended, of the North Carolina Rural Electrification Authority for Failure to Arbitrate an Interconnection Agreement with Star Telephone Membership Corporation*, WC Docket No. 13-204 (filed Aug. 8, 2013) (TWC Preemption Petition).

<sup>3</sup> *See generally* 47 U.S.C. § 252.

<sup>4</sup> 47 U.S.C. § 252(b).

<sup>5</sup> 47 U.S.C. § 252(e)(5); *see also* 47 C.F.R. §§ 51.801 *et seq.* (setting forth the Commission's procedures for preemption and arbitration of interconnection agreements under section 252 of the Act).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing

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<sup>6</sup> 47 C.F.R. §§ 1.1200 *et seq.*

oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information on this proceeding, contact John Visclosky or Tim Stelzig of the Competition Policy Division, Wireline Competition Bureau, at (202) 418-1580.

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