6.11.17

Commission’s Secretary

Marlene H. Dortch

Office of the Secretary

Federal Communications Commission

445 12th Street, SW

Room TW-A325

Washington, DC 20554

Deena Shetler: deena.shetler@fcc.gov

Pam Arluk: Pamela.Arluk@fcc.gov

FCC Contractor: fcc@bcpiweb.com

**REQUEST FOR DECLARATORY RULING**

Declaratory Ruling Request to be added into case 06-210.

**Please interpret if AT&T is precluded from raising any defense as per section 2.1.8 of FCC Tariff No. 2 for not having timely filed a written denial within 15 days as per section 2.1.8 (c) regarding the January 1995 traffic only non-plan transfer order submissions of CCI to PSE and Inga Companies to PSE.**

Background:

There are no disputed facts regarding the following:

As stated in the NJFDC May 1995 Judge Politan Decision AT&T filed at the FCC a Substantial Cause pleading Tr8179, on **February 16, 1995.** AT&T’s filing was its’ defense as per section 2.1.8. The modification of 2.1.8 if the FCC had agreed it was implicit would enable AT&T to prohibit the CCI to PSE and the Inga Companies to PSE traffic only transfers that were both ordered in January 1995 under section 2.1.8.

AT&T’s TR8179 assertion was that it was **implicit** within section 2.1.8 that AT&T had the authority at its sole discretion to force the conceded traffic only transfers be deemed entire plan transfers, when substantial end-user accounts were being transferred.

AT&T’s objective under Tr8179 was to force the entire plan to transfer. AT&T asserted that on a traffic only non-plan transfer the non-transferred plan, with its tariffed remaining revenue and time commitments, would be more susceptible to not meeting the revenue and time commitment. AT&T’s premise was that it would be more likely of being deprived of collecting shortfall charges on the non-transferred plans revenue and time commitments if substantial end-user accounts were transferred. As the FCC October 2003 order stated AT&T conceded that it was not concerned about collecting termination charges on the non-transferred plans as AT&T conceded the non-transferred plans were not going to be terminated.

The email below further details this AT&T 2.1.8 (c) tariff violation and AT&T has confirmed receipt—but there is no doubt that AT&T will not respond as it understands it violated 2.1.8 (c) and thus is precluded from raising any defense as per 2.1.8.

AT&T withdrew on June 2, 1995 its 2.1.8 defense filed via Tr8179. The FCC has removed the case from circulation as of January 1995 apparently agreeing that AT&T no longer has a 2.1.8 defense as referred by Judge Bassler in June 2006. If the FCC believes AT&T still has a 2.1.8 defense then it needs to issue a Public Notice and issue a Declaratory Ruling that AT&T is precluded from any defense under 2.1.8 for failing to meet the written denial requirement under 2.1.8 (c). If the FCC does not release a Public Notice on this 2.1.8 (c) violation it will be confirmation that the FCC’s position is that since AT&T has already withdrawn the 2.1.8 defense this issue is moot and no further Declaratory Ruling needs to be interpreted.

**From:** Brown, Richard H. [mailto:rbrown@daypitney.com]   
**Sent:** Sunday, June 11, 2017 8:48 PM  
**To:** 'AT&T FRAUD CASE' <hereismybid@optonline.net>  
**Cc:** ray@grimes4law.com  
**Subject:** RE: Stephanie Pan --- As per your directions...

Received.

**From:** AT&T FRAUD CASE [<mailto:hereismybid@optonline.net>]   
**Sent:** Saturday, June 10, 2017 8:08 AM  
**To:** Brown, Richard H.; [ray@grimes4law.com](mailto:ray@grimes4law.com); [mail.caap@texasbar.com](mailto:mail.caap@texasbar.com); [stephanie.pan@texasbar.com](mailto:stephanie.pan@texasbar.com); [appeal@txboda.org](mailto:appeal@txboda.org)  
**Cc:** [Patrick.Carney@fcc.gov](mailto:Patrick.Carney@fcc.gov); [Rule1.24@fcc.gov](mailto:Rule1.24@fcc.gov); [mail.caap@texasbar.com](mailto:mail.caap@texasbar.com); 'Elizabeth A. Herman'; ''William Ziff''; [jcasello@cvclaw.net](mailto:jcasello@cvclaw.net); [Nancy\_Dunn@cadc.uscourts.gov](mailto:Nancy_Dunn@cadc.uscourts.gov); [stephanie.pan@texasbar.com](mailto:stephanie.pan@texasbar.com); 'Lawrence Coven'; [Nancy\_Dunn@cadc.uscourts.gov](mailto:Nancy_Dunn@cadc.uscourts.gov); 'Elizabeth A. Herman'; [ray@grimes4law.com](mailto:ray@grimes4law.com); Deena Shetler; [ray@grimes4law.com](mailto:ray@grimes4law.com); [Randolph.Smith@fcc.gov](mailto:Randolph.Smith@fcc.gov); [Jay.Keithley@fcc.gov](mailto:Jay.Keithley@fcc.gov); 'Rule 1.24'; [martha\_tomich@cadc.uscourts.gov](mailto:martha_tomich@cadc.uscourts.gov); ''William Ziff''; [David.Gossett@fcc.gov](mailto:David.Gossett@fcc.gov); [Eddie.Lazarus@fcc.gov](mailto:Eddie.Lazarus@fcc.gov); [HermanE@dcobc.org](mailto:HermanE@dcobc.org); [Jamilla.ferris@fcc.gov](mailto:Jamilla.ferris@fcc.gov); [Jane.Halprin@fcc.gov](mailto:Jane.Halprin@fcc.gov); [Jennifer.Tatel@fcc.gov](mailto:Jennifer.Tatel@fcc.gov); [Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov); [Jim.Bird@fcc.gov](mailto:Jim.Bird@fcc.gov); [John.Williams2@fcc.gov](mailto:John.Williams2@fcc.gov); [Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov); [Julie.Veach@fcc.gov](mailto:Julie.Veach@fcc.gov); [KJMWEB@fcc.gov](mailto:KJMWEB@fcc.gov); [Karen.onyeue@fcc.gov](mailto:Karen.onyeue@fcc.gov); [Kay.Richman@fcc.gov](mailto:Kay.Richman@fcc.gov); [Linda.Oliver@fcc.gov](mailto:Linda.Oliver@fcc.gov); [Madelein.findley@fcc.gov](mailto:Madelein.findley@fcc.gov); [Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov); [Meredith.AttwellBaker@fcc.gov](mailto:Meredith.AttwellBaker@fcc.gov); [Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov); [Mignon.Clyburn@fcc.gov](mailto:Mignon.Clyburn@fcc.gov); [Mike.ORielly@fcc.gov](mailto:Mike.ORielly@fcc.gov); [Nancy\_Dunn@cadc.uscourts.gov](mailto:Nancy_Dunn@cadc.uscourts.gov); [Neil.Grace@fcc.gov](mailto:Neil.Grace@fcc.gov); [Pamela.Arluk@fcc.gov](mailto:Pamela.Arluk@fcc.gov); [Patrick.Carney@fcc.gov](mailto:Patrick.Carney@fcc.gov); [Randolph.Smith@fcc.gov](mailto:Randolph.Smith@fcc.gov); [Richard.Welch@fcc.gov](mailto:Richard.Welch@fcc.gov); [Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov); [Rule1.24@fcc.gov](mailto:Rule1.24@fcc.gov); [Sharon.Gillett@fcc.gov](mailto:Sharon.Gillett@fcc.gov); [Sharon.Kelley@fcc.gov](mailto:Sharon.Kelley@fcc.gov); [Stephanie.Weiner@fcc.gov](mailto:Stephanie.Weiner@fcc.gov); [Suzanne.Tetreault@fcc.gov](mailto:Suzanne.Tetreault@fcc.gov); [Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov); [john.Ingle@fcc.gov](mailto:john.Ingle@fcc.gov); [prosoftwarepack@yahoo.com](mailto:prosoftwarepack@yahoo.com); [ray@grimes4law.com](mailto:ray@grimes4law.com); [robert.ratcliffe@fcc.gov](mailto:robert.ratcliffe@fcc.gov); [william.ziff@judiciary.state.nj.us](mailto:william.ziff@judiciary.state.nj.us); [prosoftwarepack@yahoo.com](mailto:prosoftwarepack@yahoo.com); 'Frank Arleo'; [Nicholas.Degani@fcc.gov](mailto:Nicholas.Degani@fcc.gov); [nick.degani@fcc.gov](mailto:nick.degani@fcc.gov); [Richard.Welch@fcc.gov](mailto:Richard.Welch@fcc.gov); [Robert.McDowell@fcc.gov](mailto:Robert.McDowell@fcc.gov); [robert.ratcliffe@fcc.gov](mailto:robert.ratcliffe@fcc.gov); [Sharon.Gillett@fcc.gov](mailto:Sharon.Gillett@fcc.gov); [Sharon.Kelley@fcc.gov](mailto:Sharon.Kelley@fcc.gov); [Stephanie.Weiner@fcc.gov](mailto:Stephanie.Weiner@fcc.gov); [Suzanne.Tetreault@fcc.gov](mailto:Suzanne.Tetreault@fcc.gov); [Zachary.Katz@fcc.gov](mailto:Zachary.Katz@fcc.gov); [Amy.Bender@fcc.gov](mailto:Amy.Bender@fcc.gov); [David.Gossett@fcc.gov](mailto:David.Gossett@fcc.gov); [Deanne.Erwin@fcc.gov](mailto:Deanne.Erwin@fcc.gov); [Eddie.Lazarus@fcc.gov](mailto:Eddie.Lazarus@fcc.gov); [eric.botker@fcc.gov](mailto:eric.botker@fcc.gov); [Jamilla.ferris@fcc.gov](mailto:Jamilla.ferris@fcc.gov); [Jane.Halprin@fcc.gov](mailto:Jane.Halprin@fcc.gov); [Jay.Keithley@fcc.gov](mailto:Jay.Keithley@fcc.gov); [Jennifer.Tatel@fcc.gov](mailto:Jennifer.Tatel@fcc.gov); [Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov); [Jim.Bird@fcc.gov](mailto:Jim.Bird@fcc.gov); [john.Ingle@fcc.gov](mailto:john.Ingle@fcc.gov); [John.Williams2@fcc.gov](mailto:John.Williams2@fcc.gov); [Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov); [Julie.Veach@fcc.gov](mailto:Julie.Veach@fcc.gov); [Karen.onyeue@fcc.gov](mailto:Karen.onyeue@fcc.gov); [Kay.Richman@fcc.gov](mailto:Kay.Richman@fcc.gov); [KJMWEB@fcc.gov](mailto:KJMWEB@fcc.gov); [Linda.Oliver@fcc.gov](mailto:Linda.Oliver@fcc.gov); [Madelein.findley@fcc.gov](mailto:Madelein.findley@fcc.gov); [Matthew.Berry@fcc.gov](mailto:Matthew.Berry@fcc.gov); [MeredithAttwell.Baker@fcc.gov](mailto:MeredithAttwell.Baker@fcc.gov); [Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov); [Mignon.Clyburn@fcc.gov](mailto:Mignon.Clyburn@fcc.gov); [Amy.Bender@fcc.gov](mailto:Amy.Bender@fcc.gov); [martha\_tomich@cadc.uscourts.gov](mailto:martha_tomich@cadc.uscourts.gov); [Nancy\_Dunn@cadc.uscourts.gov](mailto:Nancy_Dunn@cadc.uscourts.gov); ''William Ziff''; [eric.botker@fcc.gov](mailto:eric.botker@fcc.gov); Phillip Okin; [phillo@giantpackage.com](mailto:phillo@giantpackage.com); [ray@grimes4law.com](mailto:ray@grimes4law.com); [stephanie.pan@texasbar.com](mailto:stephanie.pan@texasbar.com)  
**Subject:** RE: Stephanie Pan --- As per your directions...

Mr Brown

AT&T withdrew its 2.1.8 defense on June 2, 1995, but what has been overlooked is the fact that AT&T’s 2.1.8 defense via AT&T’s Tr8179 Substantial Cause Pleading was not filed within 15 days as per 2.1.8 (c). The 2 traffic only transfers Inga to PSE and CCI to PSE) were done in **January 1995** and AT&T’s 2.1.8 defense filed via AT&T’s Tr8179 Substantial Cause pleading was filed February 16, 1995 as explicitly indicated within the May 1995 Judge Politan Decision.

Even if the FCC agreed with AT&T and determined that AT&T’s Tr8179 was implicit within 2.1.8 and it enabled AT&T to force a conceded traffic only transfer be deemed a plan transfer to force the revenue and time commitments to transfer------ that does not mean/relieve AT&T of its requirement to adhere to 2.1.8 (c).

AT&T was required as per 2.1.8 (c) to provide a written denial and that denial would have obviously been a timely Tr8179 filing. AT&T’s assertion that Tr8179 was implicit was of course nonsense. If something is implicit “it goes without saying,” and has already routinely been done.

AT&T’s Tr8179 Substantial Cause Pleading never presented any evidence showing that it had ever forced a traffic only transfer to do a plan transfer.

Yes AT&T withdrew its 2.1.8 defense June 2, 1995, however AT&T should not have even been able to submit its 2.1.8 defense via Tr8179 because AT&T was precluded as per 2.1.8 (c).

Al Inga President

Group Discounts, Inc.

END OF EMAIL

Al Inga President

Group Discounts, Inc.

Winback & Conserve Program, Inc.

800 Discounts, Inc.

One Stop Financial, Inc.