

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	
	)	
800 Data Base Access Tariffs and	)	
the 800 Service Management System	)	CC Docket No. 93-129
Tariff and	)	
	)	
Provision of 800 Services	)	CC Docket No. 86-10

MOTION OF AT&T CORP. TO  
ACCEPT LATE-FILED OPPOSITION

AT&T Corp. ("AT&T") respectfully requests that the Commission accept AT&T's late-filed Opposition to Pacific Bell's Petition for Reconsideration, approximately one week out of time.<sup>1</sup>

On January 13, 1997, Pacific Bell filed its Petition for Reconsideration of the Commission's 800 Data Base Order.<sup>2</sup> Pacific Bell's Petition was filed 30 days after publication in the Federal Register, on the apparent belief that the above-referenced dockets are rulemaking proceedings.<sup>3</sup> In reliance on the procedural basis set forth

<sup>1</sup> AT&T's Opposition to Pacific Bell's Petition for Reconsideration is being filed concurrently herewith.

<sup>2</sup> 800 Data Base Access Tariffs and the 800 Service Management System Tariff and Provision of 800 Services, Report and Order, CC Docket Nos. 93-129 and 86-10, released October 28, 1996, para. 101 ("800 Data Base Order").

<sup>3</sup> See Pacific Bell's Petition at 4, n.4 (introducing new facts "pursuant to 47 C.F.R. Section 1.429(b) (1), (2) and (3)"). In contrast, AT&T treated this proceeding as a

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in Pacific Bell's Petition, AT&T anticipated that oppositions to the Petition would be due 15 days after the Petition was published in the Federal Register.<sup>4</sup>

On January 30, 1997, AT&T was advised by a member of the Commission's staff that this proceeding was being treated as a rulemaking of particular applicability and, therefore, oppositions were due January 28, 1997, in accordance with Section 1.106(g) of the Commission's Rules, 47 C.F.R. § 1.106(g). In light of the confusion surrounding the filing of petitions in this proceeding, the minor delay in the filing of AT&T's Opposition, and the fact that AT&T's

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non-rulemaking proceeding, as apparently did MCI and Bell Atlantic, and filed its petition, as did MCI and Bell Atlantic, on November 27, 1996, 30 days after the order was released. See 47 C.F.R. § 1.4(b)(2).

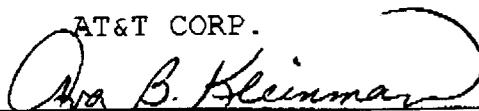
<sup>4</sup> See 47 C.F.R. §§ 1.429 (e) and (f), and 1.4(b)(1).

Opposition will supplement the record and aid in the Commission's decision, AT&T respectfully requests that the Commission accept its late-filed Opposition.<sup>5</sup>

Respectfully submitted,

AT&T CORP.

By



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February 6, 1997

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<sup>5</sup> To AT&T's knowledge, no other party has filed an Opposition to the Petition; thus Pacific Bell is not disadvantaged by having to file multiple replies.



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