

48. In reply to AT&T's Opposition, Pacific takes no position on whether AT&T should be reclassified as a dominant carrier.<sup>150</sup> Pacific only responds to AT&T's argument that there is no evidence of tacit collusion among the big interexchange carriers.<sup>151</sup> Pacific argues that the evidence of tacit collusion "is not 'inconclusive' anymore," that AT&T has continued to raise prices after reclassification,<sup>152</sup> and that new facilities-based entry by the Regional Bell Operating Companies is the best solution to rising prices.<sup>153</sup>

49. We find that the arguments raised by UHA's petition were addressed and decided in the *AT&T Reclassification Order*. Neither UHA, Pacific nor TTS has presented any new evidence or arguments that demonstrate that a new examination of AT&T's regulatory status is warranted. We thus decline to initiate a proceeding at this time to classify AT&T as a dominant carrier. "Petitions [for rulemaking] . . . which plainly do not warrant consideration by the Commission may be denied or dismissed without prejudice to the petitioner."<sup>154</sup> Accordingly, we deny without prejudice UHA's Petition for Rulemaking.

#### IV. ORDERING CLAUSES

50. Accordingly, IT IS ORDERED that Hawaii's Petition for Reconsideration is hereby DENIED.

51. IT IS FURTHER ORDERED that GCI's Petition for Reconsideration or Clarification of the *AT&T Reclassification Order* is hereby DENIED.

52. IT IS FURTHER ORDERED that GCI's Petition for Clarification of the *Tariff Forbearance Order* is GRANTED.

53. IT IS FURTHER ORDERED that TTS's Motion for Acceptance of Petition for Reconsideration is hereby DENIED, and TTS's Petition for Reconsideration is hereby DISMISSED.

54. IT IS FURTHER ORDERED that TTS's Motion to Accept Supplement to Petition for Reconsideration is hereby DENIED, and TTS's Supplement to Petition for Reconsideration is hereby DISMISSED.

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<sup>150</sup> PacTel Reply at 1.

<sup>151</sup> *Id.* at 1-2.

<sup>152</sup> *Id.* at 2.

<sup>153</sup> *Id.* at 5-7.

<sup>154</sup> 47 C.F.R. § 1.401(e).

55. IT IS FURTHER ORDERED that the United Homeowners Association and United Seniors Health Cooperative's Petition for Rulemaking is hereby DENIED.

FEDERAL COMMUNICATIONS COMMISSION



William F. Caton  
Acting Secretary