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

In the Matter of )  
 )  
Billed Party Preference for )  
InterLATA 0+ Calls )

CC Docket No. 92-77

MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. CONSOLIDATED  
COMMUNICATIONS TELECOM SERVICES, INC. CONSOLIDATED  
COMMUNICATIONS PUBLIC SERVICES, INC. AND CONSOLIDATED  
COMMUNICATIONS OPERATOR SERVICES, INC.  
PETITION FOR EXTENSION OF WAIVER

McLeodUSA Telecommunications Services, Inc., Consolidated Communications Telecom Services, Inc., Consolidated Communications Public Services, Inc. and Consolidated Communications Operator Services, Inc. ("McLeodUSA" or "Petitioner") by its undersigned counsel, hereby request an extension of its waiver of the implementation date of Sections 64.703 and 64.710 of the Federal Communications Commission's ("FCC") Rules, which require the provision of on-demand rate information for non-access, operator service calls.

I. INTRODUCTION

On June 30, 1998, the FCC granted in part McLeodUSA's request for waiver of the July 1, 1998 compliance date for on-demand rate disclosure of non-access calls from aggregator locations.<sup>1</sup> In its Waiver Order, the FCC established November 1, 1998 as the date by which McLeodUSA must comply with the on-demand rate disclosure rule. The FCC also granted a separate compliance date of January 1, 1999 for collect calls and inmate calls. Although the Petitioner aggressively worked

<sup>1</sup> *Billed Party Preference for InterLATA 0+ Calls*, Order, CC Docket No. 92-77, DA 98-1285 (rel. June 30, 1998) ("Waiver Order").

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to implement the on-demand rate requirement prior to the expiration of the waiver, Petitioner recently determined that it will not be able to conform its systems to provide real-time rate quotes by November 1, 1998. Petitioner expects to have a fully implemented and tested system in place by January 1999 for all non-access operator services calls from any location. Therefore, Petitioner requests that its waiver be extended to allow Petitioner to deploy a reliable system that will ensure that McLeodUSA customers continue to receive quality services.

As McLeodUSA and several other parties notified the FCC earlier this year, no technology existed to provide such real-time rate information when the FCC adopted its rule on January 29, 1998.<sup>2</sup> Since then, it has been an up hill battle with technology, manpower and time constraints to develop and reconfigure Petitioner's network to provide real-time rate quotes. The FCC recognized the difficulties encountered by McLeodUSA and granted McLeodUSA a waiver of the July 1 compliance date. The FCC only gave McLeodUSA an additional four months to comply, despite McLeodUSA's projection that it would take several months to develop the necessary technology. In the short four months, Petitioner designed a rate quote system in-house, developed the electronic communications between all platforms involved, created the rating mechanism to provide the rate and developed the operator interface for the live position. While significant progress has been made, McLeodUSA has not had time to fully implement and test its new system to ensure that the software works properly and does not disrupt its network. McLeodUSA consumers must continue to receive the high quality, uninterrupted services, including non-access call service. Accordingly, an additional extension of time is essential to permit the Petitioner to finalize implementation and

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<sup>2</sup> *Billed Party Preference for InterLATA 0+ Calls*, Second Report and Order and Order on Reconsideration, CC Docket No. 92-77, 1998 WL 31845 ("Second Report and Order").

properly test the technology necessary for guaranteeing customer satisfaction and complying with the FCC's rules.

## **II. GOOD CAUSE EXISTS TO GRANT THE MCLEODUSA'S WAIVER REQUEST**

Section 1.3 of the Commission's rules, 47 C.F.R. §1.3, provides that the FCC may waive any provision of its rules "if good cause therefor is shown." In its Second Report and Order, the FCC specifically anticipated that waivers may be justified. As the FCC stated, "we are prepared to consider waiver requests on a specific factual showing of good cause."<sup>3</sup> In its Waiver Order, the FCC found that McLeodUSA demonstrated good cause for not meeting the July 1, 1998 compliance date and, therefore, granted McLeodUSA a waiver of the compliance date. As noted, the FCC only provided an additional four months to comply with the rule, which in-house engineers projected would take at least 12 months. The FCC did not grant a lengthier compliance date explaining that it is in the public interest to provide on-demand rate disclosure as soon as possible. While four months did not seem adequate, McLeodUSA aggressively worked to meet the new compliance date. Unfortunately, McLeodUSA has been unable to complete all implementation and testing phases required to ensure end users are not inconvenienced or inhibited from completing non-access calls and does not expect to be finished by November 1, 1998.

In this instance, the good cause found by the FCC in its Waiver Order continues to exist. Despite the odds of developing a workable system from the proverbial ground up in four short months, Petitioner diligently worked to meet the FCC's rules and made significant progress. Petitioner expects to finalize the system over the next few months and believes that it is better to

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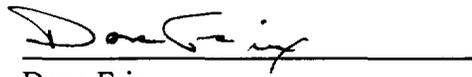
<sup>3</sup> Second Report and Order, at ¶ 27.

provide a quality service to the public rather than deploying a system not properly tested that will confuse and frustrate consumers. Thus, an extension of time is essential and good cause has been demonstrated.

### III. CONCLUSION

For the reasons stated above, the Petitioner requests that the FCC grant its request for a further extension of time to comply with the FCC's requirement that it provide on-demand rate disclosure for non-access code calls.

Respectfully Submitted,



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October 16, 1998

## CERTIFICATE OF SERVICE

I, Wendy Mills, do hereby certify that on this 16<sup>th</sup> day of October, copies of the Petition for Extension of Waiver were sent via hand delivery (\*) or first-class mail, postage prepaid, to the following:

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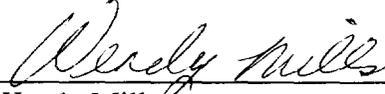
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