

STEEFEL  
LEVITT  
& WEISS

A PROFESSIONAL CORPORATION

RECEIVED

DEC 24 1998

FCC MAIL ROOM

ONE EMBARCADERO CENTER • THIRTIETH FLOOR • SAN FRANCISCO, CALIFORNIA 94111-3719  
TELEPHONE: (415) 788-0900 • FACSIMILE: (415) 788-2019

Writer's Direct Dial: (415) 403-3277  
E-Mail: fogelmanm@steeffel.com

December 22, 1998

12131-12078.1

VIA FACSIMILE AND MAIL

Hon. Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals, Room TWA-204  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Attention: Deputy Secretary William Caton

Re: CC Docket No. 96-98; NSD File No. L-97-42;  
Petition of the California Cable Television  
Association for Reconsideration of FCC-98-224

Dear Ms. Salas and Mr. Caton:

I am writing to ask that the above petition for reconsideration ("PFR") be deemed filed on December 16, 1998, or alternatively that it be permitted to be filed as timely two days out of time. The petition was due to be filed on December 16, 1998, but according to Federal Express, the copies to be filed were not delivered to the Secretary until December 18, 1998, at 2:45 p.m. All parties to the proceeding were served by mail on December 15, 1998.

As shown below, the inadvertent delay was in no way the fault of this firm or its client, the California Cable Television Association ("CCTA"). Moreover, the copies of the PFR we sent by Federal Express to the Commissioners, relevant Commission Staff and ITS were all timely delivered on December 16, 1998. Thus, in reality, the Commission timely received the filing; only the Secretary's Office did not.

The PFR was due on December 16, 1998. We were required to effectuate a paper filing, rather than an electronic filing, because the PFR contained extensive exhibits. On December 15, 1998, we sent our filing by Federal Express (priority overnight) for delivery on December 16, 1998. (See cover letter to the Secretary and Federal Express tracking sheets attached.) We used the address for the Secretary's Office shown on the Commission's website: "Magalie Roman Salas, Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Washington, D.C. 20554." (See FCC website excerpt attached.) We attempted to verify with Federal Express that the package was delivered on December 16, 1998,

No. of Copies rec'd 075  
List A B C D E

Hon. Magalie Roman Salas  
Deputy Secretary William Caton  
Page 2

but were informed that the company's tracking system was down. We did not learn from Federal Express until the morning of December 18, 1998, that it had not delivered the filing on December 16, 1998. In fact, Federal Express did not deliver the filing to the Secretary's Office until December 18, 1998, at 2:45 p.m. Federal Express did, however, timely deliver separate copies of the filing to the Commissioners and key Commission staff at the Commission's 1919 M Street address on December 16, 1998.

Federal Express apparently takes the position that it was unable to deliver the package because the address on its air bill indicated a 20554 zip code. (*See* Federal Express letter of Dec. 18, 1998, attached.) Federal Express has stated that the correct geographic zip code for the Portals is not 20554 but 20024, and a search of the U.S. Postal Service's 1998 zip code directory appears to confirm that information. (*See* U.S.P.S. zip code search documents attached.) Whether or not that is the reason for the delay, it is clear that neither this firm nor CCTA and its member companies were at fault in the failure by Federal Express to timely deliver the PFR to the Secretary's Office. Moreover, the relevant documents were timely served on all parties on December 15, 1998, and were timely received by ten Commission officials, including all Commissioners, on December 16, 1998.

Under the unique circumstances presented, we request that CCTA's PFR be deemed filed on December 16, 1998, or that it be permitted to be filed as timely on December 18, 1998, two days out of time.

If you have further questions on this procedural matter, or if I can be of any further assistance, please call me on my direct line, 415-403-3277.

Thank you very much for your courtesy and assistance.

Sincerely,

  
Mark Fogelman

MF/mbd  
Enclosures

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the matter of

Petition for Declaratory Ruling and  
Request for Expedited Action on the  
July 15, 1997 Order of the Pennsylvania  
Public Utility Commission Regarding  
Area Codes 412, 610, 215, and 717

Implementation of the Local  
Competition Provisions of the  
Telecommunications Act of 1996

NSD File No. L-97-42

RECEIVED  
DEC 24 1998  
FCC MAIL ROOM

CC Docket No. 96-98

**APPLICATION OF THE CALIFORNIA  
CABLE TELEVISION ASSOCIATION  
THAT PETITION FOR RECONSIDERATION  
BE ACCEPTED AS TIMELY FILED**

The California Cable Television Association ("CCTA") respectfully submits its application that its petition for reconsideration ("PFR") in the above matter be accepted as timely filed.

CCTA's PFR of FCC-98-224 was due to be filed on December 16, 1998. On December 15, 1998, CCTA, by and through its undersigned counsel, sent its package to be filed on December 16, 1998, by Federal Express (priority overnight delivery) to the Office of the Secretary, at the precise address indicated in the Commission's website: "Magalie Roman Salas, Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Washington, D.C. 20554." (See FCC website excerpt, cover letter of counsel, and Federal Express tracking sheet

No. of Copies rec'd 0+5  
List A B C D E

attached.) However, Federal Express did not deliver the package on December 16, 1998, and did not inform counsel that it had failed to do so.

Federal Express states that it was unable to deliver the package because the address on its air bill indicated a 20554 zip code. (See Federal Express letter of Dec. 18, 1998, attached.) Federal Express states that the correct geographic zip code for the Portals is not 20554 but 20024, and a search of the U.S. Postal Service's 1998 zip code directory appears to confirm that information. (See U.S.P.S. zip code search documents attached.)

Neither counsel nor CCTA and its member companies were at fault in the failure by Federal Express to timely deliver the PFR to the Secretary's Office. Moreover, the relevant documents were timely served on all parties on December 15, 1998, and were timely received by ten Commission officials, including all five Commissioners and five officials of the Common Carrier Bureau, at the Commission's 1919 M Street address on December 16, 1998. Thus, in reality, the Commission timely received the filing; only the Secretary's Office did not.

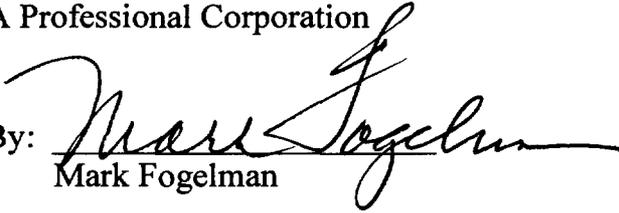
Counsel attempted to verify with Federal Express that the package was delivered on December 16, 1998, but was informed that the company's tracking system was down. Counsel did not learn from Federal Express until the morning of December 18, 1998, that it had not delivered the filing on December 16, 1998. In fact, Federal Express did not deliver the filing to the Secretary's Office until December 18, 1998, at 2:45 p.m.

Under the unique circumstances presented, CCTA respectfully requests that its PFR be deemed filed on December 16, 1998, or otherwise accepted as timely filed for all purposes.

Dated: December 22, 1998

Respectfully submitted,

MARK FOGELMAN  
STEEFEL, LEVITT & WEISS  
A Professional Corporation

By:   
Mark Fogelman

One Embarcadero Center, 30<sup>th</sup> Floor  
San Francisco, California 94111  
Telephone: (415) 788-0900  
Facsimile: (415) 788-2019

Attorneys for the California  
Cable Television Association

[ [WordPerfect Version](#) | [Text Version](#) ]

# PUBLIC NOTICE

Federal Communications Commission  
1919 - M Street, N.W.  
Washington, D.C. 20554

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**October 23, 1998**

## FCC OFFICE OF THE SECRETARY RELOCATES TO THE PORTALS

### Procedure for Paper Filings

Effective November 2, 1998, the Office of the Secretary will relocate to the Commission's new building facilities at The Portals, 445 Twelfth Street, S.W., Washington, D.C., 20554. The Secretary's new office will be open for business, as usual, from 8:00 a.m. to 5:30 p.m., Mondays through Fridays, except holidays. Paper filings will be received at a designated counter located at TW-A325 in the 12<sup>th</sup> Street lobby of the building, where filers will be able to receive their "stamp and return" copy, upon request.

The Commission expects to complete its relocation to The Portals within the next six months. **For the public's convenience during this transition period, the Office of the Secretary will accept paper filings at 1919 M Street, N.W., Room 222, but only between the hours of 4:00 p.m. to 5:30 p.m., Mondays through Fridays, except holidays.** If requested, "stamp and return" copies will be provided at the time of filing. This temporary filing site will be closed on the date that the Commission completes its relocation to The Portals.

The Commission encourages those wishing to file paper documents to begin making these filings at the Portals building. In addition, to ensure the expeditious receipt and distribution of paper filings during the transition period, the public should follow the established AGuidelines for Uniform Filings. @ These guidelines are printed on the reverse side of this Public Notice.

Please forward any questions to Magalie Roman Salas, FCC Secretary; Bill Caton, Deputy Secretary; or Ruth Dancey, Assistant Secretary, at 202-418-0300.

### GUIDELINES FOR UNIFORM FILINGS

- To enable the staff of the Office of the Secretary to provide the most efficient service to you, please follow these guidelines in preparing and submitting "uniform" filings.
- Your filing package should be properly fastened and consist of an original document and the proper number of copies. If your filing is "self-explanatory," no cover letter is required.

**Note:** For filings containing more than one docket number, please submit two (2) additional copies for each docket number listed.

- To obtain a stamp and return copy, place an extra copy of either the cover letter or

STEEFEL  
LEVITT  
& WEISS

A PROFESSIONAL CORPORATION

ONE EMBARCADERO CENTER • THIRTIETH FLOOR • SAN FRANCISCO, CALIFORNIA 94111-3719  
TELEPHONE: (415) 788-0900 • FACSIMILE: (415) 788-2019

Writer's Direct Dial: (415) 403-3277  
E-Mail: fogelmanm@steeffel.com

December 15, 1998

1231-12078.1

**VIA FEDERAL EXPRESS**

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, DC 20554

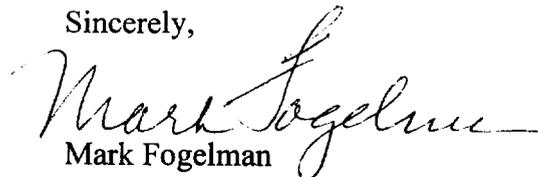
Re: NSD File No. L-97-42; CC Docket No. 96-98;  
In the Matter of Petition for Declaratory Ruling and  
Request for Expedited Action on the July 15, 1997 Order of  
the Pennsylvania Public Utilities Commission Regarding  
Area Codes 412, 610, 215 and 717

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and five copies of the *Petition Of The California Cable Television Association For Reconsideration*. As I discussed with Deputy Secretary Caton earlier today, I have left the original loose with a clip but have acco-fastened the copies. Kindly stamp one copy and return it to us in the enclosed stamped, self-addressed envelope.

Thank you for your courtesy and assistance.

Sincerely,

  
Mark Fogelman

MF/mbd  
Enclosure

76175.1

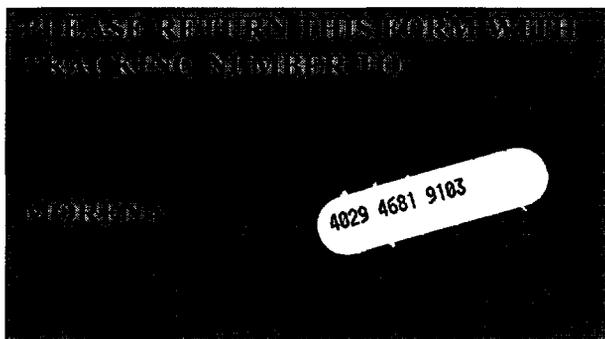
# FEDERAL EXPRESS TRACKING SHEET

December 15, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Matter Number/Attorney**

**12078/MXF**



## Federal Express Options:

<input checked="" type="checkbox"/>	PRIORITY
<input checked="" type="checkbox"/>	STANDARD
<input type="checkbox"/>	2-DAY ECONOMY
<input type="checkbox"/>	SATURDAY DELIVERY
<input type="checkbox"/>	INSURANCE
<input type="checkbox"/>	RELEASE W/O SIGNATURE

## SPECIAL INSTRUCTIONS:

(Please include any special instructions below)

FedEx Tracking Number:

Federal Express Corporation  
Customer Relations  
Delivery Code: 4634  
3875 Airways Boulevard  
Memphis, TN 38116

FedEx 227  
3875 Airways Boulevard

Telephone: 901-922-1616

**VIA FACSIMILE**

December 18, 1998

Mr. Mark Fogelman  
Steeffel Levitt & Weiss  
One Embarcadero Center, 29<sup>th</sup> Fl.  
San Francisco, CA 94111  
**415.788.2019**

Dear Mr. Fogelman:

Your inquiry regarding your December 15 shipment to the FCC in Washington, DC on tracking number 402946819103 has been brought to my attention.

Our tracing specialists have traced your shipment and determined that delivery could not be completed the morning of December 16, as you expected, because a non-geographic ZIP Code of 20554 was provided for the delivery address. While some delay was inevitable, the ZIP Code was corrected to 20024 on the afternoon of December 16, and delivery should have been completed the morning of December 17.

I sincerely apologize for the inconvenience caused when the package was not put out for delivery during the next available delivery cycle following the address correction. We are certainly aware that our customers expect only the best possible service, and we are concerned delivery was further delayed until December 18. Management has been alerted to ensure appropriate review and corrective action. Arrangements have been made, of course, to delete the charges for this tracking number.

We value the trust our customers place in us to handle their priority package needs. I hope that you have found our efforts in the past to be satisfactory in every other respect.

Sincerely,

Oran Quintrell  
Customer Relations

oq

cc: Kenneth Smith, Sr. Manager, FedEx/Washington



Search Stamps Change of Addr. ZIP Codes  
Rate Calculator Express Mail Tracking Home

## ZIP+4 Code Lookup

Federal Communications Commiss	<b>Company</b> <i>(required for matching to <u>firm records</u>)</i>
	<b>Urbanization</b> <i>(Puerto Rico only)</i>
445 12th St., S.W.	<b>Delivery Address</b> <i>(required)</i>
Washington	<b>City</b> <i>(required)</i> <input type="text" value="DC"/> <b>State</b> <i>(required)</i>
	<b>ZIP Code</b> <i>(instead of, or in addition to, city and state)</i>

Enter an address. If found in our database, this lookup will standardize the address and return the ZIP+4 Code.

**NEW Commercial Address-Matching Software and Services**

Moving? Check out



Return to ZIP Code Lookup and Address Information

*Copyright © 1997 United States Postal Service. All rights reserved.  
Developed by the USPS National Customer Support Center*



[Search](#) [Stamps](#) [Change of Addr.](#) [ZIP Codes](#)  
[Rate Calculator](#) [Express Mail Tracking](#) [Home](#)

## ZIP+4 Code Lookup

[Look up another ZIP+4 Code](#) | [Questions and Comments](#)

---

The standardized address is:

**445 12TH ST SW**  
**WASHINGTON DC 20024-2101**  
**Carrier Route : C031 County : DISTRICT OF COLUMBIA**  
**Delivery Point: 45 Check Digit: 9**

---

*Version 3.2 Database 11/1998*  
*Copyright © 1997 United States Postal Service. All rights reserved.*  
*Developed by the USPS National Customer Support Center*

**CERTIFICATE OF SERVICE**

I, Mark Fogelman, hereby certify that to the best of my knowledge and belief all parties required to be served have been served.

Executed at San Francisco, California, this 22nd day of December, 1998.

  
Mark Fogelman