



# PUBLIC NOTICE

cc Docket No  
99-292

FEDERAL COMMUNICATIONS COMMISSION  
445 12TH STREET, S.W.  
WASHINGTON, D.C. 20554

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Released: September 27, 1999

**Communique Telecommunications, Inc. and InterContinental Telephone Corporation  
Petition the Commission to Reconsider its Memorandum Opinion and Order,  
FCC 99-80**

**Pleading Cycle Established**

**COMMENTS: October 7, 1999**

**REPLY COMMENTS: October 14, 1999**

On September 8, 1999, Communique Telecommunications, Inc. (CTI) and InterContinental Telephone Corporation (ICTC) jointly filed a petition with the Federal Communications Commission (Commission) requesting that the Commission reconsider its *August 9, 1999 Memorandum Opinion and Order*<sup>1</sup> in which the Commission denied a petition for declaratory ruling filed by ICTC. In the underlying declaratory ruling, ICTC contended that National Exchange Carrier Association (NECA) did not have the authority to tariff, bill, collect, or institute any form of collection procedures against ICTC in connection with the Universal Service Fund (USF) and Lifeline Assistance (LA) charges which ICTC had refused to pay.<sup>2</sup>

In the *August 9, 1999 Memorandum Opinion and Order*, the Commission found that NECA was merely acting as an agent of its member local exchange carriers (LECs) when it filed tariffs for the USF and LA charges at issue and that nothing in section 203 of the Communications Act of 1934 (the Act), as amended, 47 U.S.C. § 203, prohibited carriers from using agents to file tariffs or bill and collect

<sup>1</sup> Communique Telecommunications, Inc. d/b/a Logically Application for Review of the Declaratory Ruling and Order Issued by the Common Carrier Bureau and InterContinental Telephone Corp. Petition for Declaratory Ruling on National Exchange Carrier Association, Inc. Tariff F.C.C. No. 5 Governing Universal Service Fund and Lifeline Assistance Charges, Memorandum Opinion and Order, FCC 99-80 (Rel. August 9, 1999) (August 9, 1999 Memorandum Opinion and Order).

<sup>2</sup> Similarly, CTI previously had filed a petition for declaratory ruling contending that NECA did not have the authority to file tariffs on behalf of its member LECs. In a previous order, the Common Carrier Bureau had denied CTI's petition and found that NECA was authorized under the Commission's rules to file tariffs and to bill and collect USF and LA charges. CTI then filed an application for review of this ruling. In the *August 9, 1999 Memorandum and Order*, the Commission denied this application for review as late-filed but treated the arguments raised in ICTC's application as comments because they raised issues similar to those presented by ICTC.

charges. Accordingly, the Commission upheld NECA's authority to file tariffs pursuant to section 203 for its member common carriers.

In their September 8, 1999 petition for reconsideration, CTI and ICTC contend that the Commission erred when it held that the member LECs were in fact the issuing carriers of the USF and LA tariffs and that in filing the tariffs NECA acted as an agent consistent with section 203 of the Act, the Commission's rules, and long standing industry practice. CTI and ICTC assert that section 203 and Title II of Act only allow the filing of tariffs by common carriers. CTI and ICTC assert that, as a non-common carrier, NECA is not authorized to file tariffs, bill, collect, or institute any form of collection procedures.

Interested parties may file comments on the petition for reconsideration filed by CTI and ICTC no later than October 7, 1999. Reply comments must be filed by October 14, 1999. When filing comments and/or replies, please reference the Commission docket number CCB Docket No. 99 - 290.

An original and four copies of all comments, oppositions, and replies must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c). In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, International Transcription Services, Inc. ("ITS"), 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554 and (2) Office of Public Affairs, Common Carrier Bureau, 445 12th Street, S.W., Room 3-C122, Washington, D.C. 20554.

Copies of the petition for reconsideration and any subsequently filed documents in this matter may be obtained from ITS. The petition for reconsideration and any related documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Public Affairs, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. For further information, contact Joi Roberson Nolen, Common Carrier Bureau, Competitive Pricing Division at (202) 418-1520.