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COMMON CARRIER BUREAU SEEKS COMMENT ON PETITIONS FOR DECLARATORY RULING, RECONSIDERATION AND/OR CLARIFICATION OF THE PAYPHONE COMPENSATION SECOND ORDER ON RECONSIDERATION

NSD File No. L-99-34
CC Docket 96-128

Pleading Cycle Established

COMMENTS DUE: 30 days after publication in the Federal Register
REPLY COMMENTS DUE: 45 days after publication in the Federal Register

On April 5, 2001, the Federal Communications Commission (Commission) released the *Second Order on Reconsideration*,¹ which modified the rules governing the entity responsible for compensating a payphone service provider (PSP) for coinless calls placed from a payphone that are routed to the network of a facilities-based interexchange carrier (IXC), and then to one or more IXC resellers before being transferred to a local exchange carrier (LEC) for call completion. The modified rules became effective on May 27, 2001.² Carriers are required to comply with the rules by November 23, 2001.

The modified rules provide that the first facilities-based IXC to which a LEC routes a coinless payphone call must (1) compensate the PSP for the completed call; (2) track or arrange for tracking of all compensable calls; and (3) send to the PSP call completion information to enable the PSP to verify the accuracy of compensation it receives for coinless, compensable calls and/or to bill the underlying facilities-based carrier.³ The first facilities-based IXC may seek reimbursement from the switchless or switch-based reseller ultimately responsible for the compensation.

¹ *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, NSD File No. L-99-34, Second Order on Reconsideration, FCC 91-109 (rel. April 5, 2001) (*Second Order on Reconsideration*).

² 66 Fed. Reg. 21105 (April 27, 2001). The rules became effective 30 days after publication in the Federal Register, or May 27, 2001.

³ *Second Order on Reconsideration*, ¶ 11.

Several parties have filed petitions for declaratory ruling, clarification and/or reconsideration. Bulletins seeks clarification of whether the modified rules relieve certain LECs from their obligation to compensate PSPs for coinless calls made from a payphone, and whether IXCs are provided a basis for exempting calls originated from payphones served by Competitive Local Exchange Carriers (CLECs).⁴ WorldCom, Inc. (WorldCom) seeks a declaratory ruling that a completed dial-around payphone call is defined as one that is completed on the underlying carrier's network, or one that is handed off to switch-based reseller customers that do not have prior agreements with all PSPs to pay dial around compensation. WorldCom also seeks clarification that carriers are only required to report compensable toll-free and access number calls.⁵ AT&T seeks clarification of whether its practice of compensating PSPs at the Commission-established rate for all calls that are sent to a switch-based reseller's switching platform, regardless of whether such calls are completed, is consistent with the Commission's requirements. AT&T also seeks clarification and/or reconsideration of the IXCs reporting obligations to PSPs.⁶ Global Crossing Telecommunications, Inc. (Global Crossing) requests that the Commission establish a specific timing surrogate for determining whether a particular call is completed, and therefore compensable. Global Crossing also seeks reconsideration of the reporting requirements.⁷

The Common Carrier Bureau seeks comment on all the petitioners' requests for declaratory ruling, clarification and/or reconsideration. Copies of the petitions will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. Copies of the petitions are also available on the Commission's Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/e-file/ecfs.html> (insert CC Docket No. 96-128 into the Proceeding block).

Interested parties may file comments on or before 30 days after publication in the Federal Register and reply comments on or before 45 days after publication in the Federal Register. All filings must reference NSD File No. L-99-34 and CC Docket No. 96-128. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, S.W., Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may also be filed using the ECFS. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. If using this method, please reference CC Docket No. 96-128 in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of the proceeding. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

⁴ *Bulletins Petition for Clarification*, CC Docket No. 96-128 (filed April 16, 2001).

⁵ *WorldCom, Inc. Petition for Declaratory Ruling and Petition for Reconsideration*, CC Docket No. 96-128 (filed May 29, 2001).

⁶ *AT&T Petition for Clarification and/or Reconsideration*, CC Docket No. 96-128 (filed May 29, 2001).

⁷ *Global Crossing Telecommunications, Inc. Petition for Reconsideration and Clarification*, CC Docket No. 96-128 (filed May 29, 2001).

This is a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.⁸ As a “permit but disclose” proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.⁹

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹⁰ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information contact Tania Cho of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or tcho@fcc.gov. The TTY number is (202) 418-0484.

-FEDERAL COMMUNICATIONS COMMISSION-

⁸ See generally 47 C.F.R. §§ 1.1200-1.1216.

⁹ 47 C.F.R. § 1.1206.

¹⁰ 47 C.F.R. § 1.1206(b)(2).

