

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	FCC 97-420
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. <u>96-45</u>
	)	
Access Charge Reform,	)	CC Docket Nos. 96-262, 94-1,
Price Cap Performance Review	)	91-213, 95-72
For Local Exchange Carriers,	)	
Transport Rate Structure	)	
and Pricing, End User Common	)	
Line Charge	)	

**MOTION TO WITHDRAW PETITION FOR CLARIFICATION  
AND/OR RECONSIDERATION**

On February 12, 1998, the National Exchange Carrier Association, Inc. (NECA) filed a Petition for Clarification and/or Reconsideration<sup>1</sup> in the above-captioned proceeding. NECA's Petition sought clarification of rules pertaining to the ability for eligible incumbent local exchange carriers (ILECs) to provide updated projections of data underlying Local Switching Support (LSS).

The FCC's rules require ILEC eligible telecommunications carriers (ETCs) to submit projections of the data underlying the administrator's LSS calculations by no later than October 1 of each year.<sup>2</sup> In addition, the FCC's rules require ILEC ETCs to true-up this data by submitting actual historical data for a calendar year to the administrator no

<sup>1</sup> See Petition for Clarification and/or Reconsideration of National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, filed February 12, 1998 (*Petition*)

<sup>2</sup> See 47 C.F.R. § 54.301(b).

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later than 12 months after the end of that calendar year.<sup>3</sup> The FCC's rules do not directly address whether submission of interim updates of projected costs to the administrator is permitted. Since the administrator is required to submit projected funding demands for high cost and low income programs, including LSS, to the Commission on a quarterly basis,<sup>4</sup> NECA sought clarification that the administrator is permitted to use updated projections of data underlying LSS, provided by ILEC ETCs, in its quarterly filings to reflect more current and accurate cost projections.

Although the Commission never acted on NECA's Petition, the Universal Service Administrative Company (USAC) has interpreted these rules to permit quarterly updates, and such updates have been included in the quarterly filings since Local Switching Support began in 1998. Accordingly, NECA requests permission to withdraw its Petition as moot. Such withdrawal is without prejudice to NECA's right to seek further clarification and/or reconsideration by the Commission, in the event that current procedures are revised.

Respectfully submitted,

NATIONAL EXCHANGE  
CARRIER ASSOCIATION, Inc.

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October 12, 2001

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<sup>3</sup> See 47 C.F.R. § 54.301(e).

<sup>4</sup> See 47 C.F.R. §54.709(a)(3).

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion to Withdraw Petition for Clarification and/or Reconsideration was served this 12th day of October 2001, by hand delivery or by mailing copies thereof by United States Mail, first class postage paid, to the persons listed below.

By: Shawn O'Brien (REF)  
Shawn O'Brien

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