

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

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
1998 Biennial Regulatory Review –)	CC Docket No. 98-171
Streamlined Contributor Reporting)	
Requirements Associated with)	
Administration of Telecommunications)	
Relay Service, North American Numbering)	
Plan, Local Number Portability, and)	
Universal Service Support Mechanisms)	
)	
Telecommunications Services for)	CC Docket No. 90-571
Individuals with Hearing and Speech)	
Disabilities, and the Americans with)	
Disabilities Act of 1990)	
)	
Administration of the North American)	CC Docket No. 92-237
Numbering Plan and North American)	NSD File No. L-00-72
Numbering Plan Cost Recovery)	
Contribution Factor and Fund Size)	
)	
Number Resource Optimization)	CC Docket No. 99-200
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Truth-in-Billing and Billing Format)	CC Docket No. 98-170

AT&T PETITION FOR EXPEDITED SHORT-TERM WAIVER

Pursuant to Section 1.3 of the Commission's Rules,¹ AT&T Corp. ("AT&T") hereby requests that the Commission grant it an expedited, short-term, geographically limited waiver

¹ 47 C.F.R. § 1.3.

from Section 54.712(a) of the Commission's rules,² as it will be effective April 1, 2003. The waiver would affect a limited number of customers in the Verizon East region³ who use AT&T business casual calling services, or are presubscribed to AT&T but do not have an AT&T account established with one of AT&T's billers, for a one-month period between April 1, 2003, and May 1, 2003. AT&T requests this short-term waiver because Verizon Communications, Inc. ("Verizon")—which provides billing services to these customers on AT&T's behalf—has informed AT&T that it cannot modify its five billing systems in the Verizon East region to implement the requirements of revised Section 54.712(a) until May 1, 2003.

On March 6, 2003—well in advance of the April 1 deadline—AT&T provided all relevant specifications to allow Verizon to bring its billing into compliance with revised Section 54.712(a), except for the contribution factor. However, Verizon has told AT&T that the release of the final second quarter 2003 contribution factor on March 21, 2003,⁴ created an impossibly short turnaround time for Verizon to implement necessary billing changes by April 1, 2003. AT&T is working with Verizon to ensure that this problem does not recur in subsequent quarters. In the meantime, Verizon intends to continue billing the affected customers the pre-April 1, 2003, assessment rate of 9.6 percent until it is able to revise its billing systems to accommodate the revised requirements. AT&T estimates that the impact on the approximately 60,000 affected end users will be \$0.13, based on an average \$25 bill per customer per month,

² 47 C.F.R. § 54.712.

³ Verizon East encompasses the former NYNEX and Bell Atlantic regions.

⁴ See Public Notice, *Revised Second Quarter 2003 Universal Service Contribution Factor*, DA 03-851, CC Docket No. 96-45 (rel. Mar. 21, 2003).

for a total overcollection of approximately \$7,800.00.⁵ AT&T would remit the overcollection amount to USAC.

Section 1.3 provides that the Commission may waive its rules “if good cause therefor is shown.”⁶ Generally, a waiver is appropriate if “special circumstances warrant deviation from the general rule and such deviation will serve the public interest.”⁷ Because of the important “safety valve” function that waivers perform, it is well established that the Commission must give requests for waivers a “hard look.”⁸

Because Verizon has represented that it does not have sufficient time to make the necessary modifications to its billing systems until 30 days after revised Rule 54.712(a) takes effect, the Commission should grant this short-term waiver to avoid creating a potential rule

⁵ In other words, \$0.13 is the difference between a 9.1 percent assessment and a 9.6 percent assessment on \$25 of revenue for the month of April.

⁶ 47 C.F.R. § 1.3.

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

⁸ *WAIT Radio*, 418 F.2d at 1157.

