

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

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	CC Docket No. 94-129
Telecommunications Act of 1996)	
)	
Policies and Rules Concerning Unauthorized)	
Changes of Consumers' Long Distance)	
Carriers)	
_____)	

**MOTION TO WITHDRAW PETITION OF
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned, hereby requests that it be permitted to withdraw the Petition for Clarification or, in the Alternative, Reconsideration of the United States Telecom Association (Petition) that was filed herein on May 19, 2003. This Motion is based on the Federal Communications Commission's (FCC) release of its *Clarification Order*² on May 23, 2003, that provides the clarification sought by USTA in its Petition.

¹ USTA is the nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

² *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunication Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, FCC 03-116, Order (rel. May 23, 2003) (*Clarification Order*).

BACKGROUND

On March 17, 2003, the FCC released its *Third Reconsideration Order*³ in this proceeding. In the *Third Reconsideration Order*, the FCC “addressed issues raised in petitions for reconsideration of a series of orders implementing section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act).”⁴ Among other things, the FCC stated therein that it was necessary to require verification of carrier change requests that occur when a customer initiates a call to a LEC.⁵ On May 2, 2003, BellSouth, Qwest, SBC Telecommunications, Inc. and Verizon (Joint LECs) filed an *ex parte* letter with the FCC requesting that the FCC clarify that portion of the *Third Reconsideration Order* “concerning the carrier change verification responsibilities of local exchange carriers (‘LECs’).”⁶ USTA subsequently filed its Petition on May 19th seeking the same clarification or, in the alternative, reconsideration of that portion of the *Third Reconsideration Order* concerning LEC verification responsibilities with respect to customer initiated carrier change requests directed to LECs.

On May 23rd, the FCC released its *Clarification Order*. There it stated:

“We clarify here that such verification by a LEC is required only when the carrier change involves the LEC or an affiliate of the LEC. In-bound customer requests to change long distance carriers, made directly to a LEC, remain exempted in cases where the LEC or its long distance affiliate is not the subject of the long distance carrier change. We agree with the Joint LECs that the *Reconsideration Order* requires verifications of carrier changes involving the LEC or its affiliates.”⁷

³ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, CC Docket No. 94-129, FCC 03-42, Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking (rel. Mar. 17, 2003) (*Third Reconsideration Order*).

⁴ *Clarification Order* at ¶ 1.

⁵ *Id.* at ¶ 5.

⁶ *Id.* at ¶ 1.

⁷ *Id.* at ¶ 5.

The *Clarification Order* provides the clarification requested by USTA in its Petition, and the alternative request for reconsideration is now moot.

MOTION

On the basis of the foregoing, USTA requests that the FCC allow it to withdraw its Petition as the relief requested therein has been provided in the FCC's *Clarification Order*.

Respectfully submitted,

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