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June 13, 2003

Federal Communications Commission  
Office of Secretary

**Via Hand-Delivery**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

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**Re: WC Docket No. 02-147**

Dear Ms. Dortch:

Pursuant to an informal request from a member of the Wireline Competition Bureau staff, the undersigned counsel for Lucent Technologies Inc. hereby updates the Commission on the status of matters supporting the continued deferral of action in this proceeding.

This matter involves the lease of embedded base telephone equipment as addressed by orders in *Second Computer Inquiry*. In May, 2002, Lucent filed its Third Supplement to Petition for Declaratory Ruling, seeking consideration of issues raised by a national class action lawsuit before the Circuit Court of Madison County, Illinois, concerning the application of state consumer protection laws to leased telephone equipment (*Sparks, et al. v. Lucent Technologies Inc.*, Cause No. 01-L-1668; *Sparks, et al. v. AT&T Corp.*, Cause No. 96-LM-983). The Wireline Competition Bureau released a Public Notice on June 28, 2002, seeking comments on Lucent's Third Supplement to Petition for Declaratory Ruling. A Settlement Agreement in the *Sparks* litigation was entered into and preliminarily approved on August 9, 2002. Thereafter, on August 12, 2002, on the joint motion of Lucent and the named plaintiffs in *Sparks*, the Bureau entered an order essentially deferring further action in this proceeding.

Good cause exists for continuing to defer action in this matter. While the *Sparks* Settlement Agreement received final court approval on November 4, 2002, this did not conclude the case. The parties to the Settlement Agreement have actively been involved in administering the Agreement, including the processing and payment of claims and the direction of agreed *cy pres* provisions. These activities are continuing and are expected to conclude within the next several months. Until final resolution of the *Sparks* litigation through full performance under the Settlement Agreement, the Illinois court has jurisdiction and the matter remains open. In addition, in recent months, Lucent has received inquiries from various administrative entities concerning the Agreement and class member claims. These inquiries, which

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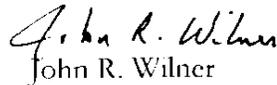
Bryan Cave LLP

are being addressed, present further open issues that relate directly to the matters raised in the instant proceeding.

Lucent is hopeful that these matters will be completed expeditiously. However, so long as they remain open, the issues presented to the Commission by Lucent's Petition for Declaratory Ruling are not fully resolved. In light of these matters, Lucent believes it is proper and necessary to continue to defer further action in this proceeding until a later date.

Lucent will keep the Commission apprised of the status of the matters described above. Please feel free to advise me of any further questions the Commission may have in this regard.

Very truly yours,



John R. Wilner  
Counsel for Lucent Technologies Inc.

JRW/djn

cc: Ms. Claudia Pabo (FCC)  
(Via Facsimile)

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