



PUBLIC NOTICE

Federal Communications Commission
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December 15, 2003

Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1997 Access Charge Reform Docket

CC Docket Nos. 96-262, 94-1, 91-213, 95-72

COMMENTS DUE: 30 days after Federal Register publication of this Notice
REPLY COMMENTS DUE: 45 days after Federal Register publication of this Notice

Pursuant to the Commission's rules governing petitions for reconsideration,¹ the Wireline Competition Bureau (the Bureau) invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules the Commission adopted in the 1997 *Access Charge Reform First Report and Order*.²

After the Commission released the *Access Charge Reform First Report and Order* on May 16, 1997, several parties filed petitions for reconsideration of that order. Since then there has been litigation and additional orders addressed to access charge reform, including the *CALLS Order*,³ concerning the rules adopted in the *Access Charge Reform First Report and Order*. Issues raised in the pending petitions for reconsideration may therefore have become moot or irrelevant. As a result, it is not clear what issues arising out of the *Access Charge Reform First Report and Order*, if any, remain in dispute. Moreover, because the *CALLS Order* arose out of a voluntary proposal representing a large consensus in the industry, the earlier concerns raised by the petitions for reconsideration already may have been addressed. Furthermore, because the petitions for reconsideration were filed several years ago, the passage of time and intervening developments may have rendered the records developed by those petitions stale.

¹ 47 CFR § 1.106

² *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charges*, CC Docket Nos 96-262, 94-1, 91-213, 95-72, First Report and Order, 12 FCC Rcd 15982 (1997) (*Access Charge Reform First Report and Order*), *aff'd sub nom*, *Southwestern Bell v FCC*, 153 F.3d 523 (8th Cir 1998).

³ *Access Charge Reform*, CC Docket No. 96-262, Sixth Report and Order, 15 FCC Rcd 12962 (2000) (*CALLS Order*)

For these reasons, the Bureau requests that parties that filed petitions for reconsideration of the *Access Charge Reform First Report and Order* now file a supplemental notice indicating those issues that they still wish to be reconsidered. In addition, parties may refresh the record with any new information or arguments that they believe to be relevant to deciding such issues. To the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will deem such petitions withdrawn and will dismiss them. The refreshed record will enable the Commission to undertake appropriate reconsideration of its access charge related rules.

Interested parties may file comments updating their previously filed petitions for reconsideration no later than **30 days after this Public Notice appears in the Federal Register**, with the Secretary, FCC at 445 12th Street, SW, TW-A325, Washington, DC 20554. Oppositions or responses to these comments may be filed with the Secretary, FCC no later than **45 days after this Public Notice appears in the Federal Register**. All pleadings are to reference **CC Docket Nos. 96-262, 94-1, 91-213, and 95-72**. All pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Filings made through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail pleadings, filers should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

- The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th St. SW, Suite TW-A325, Washington, DC 20554.

Two (2) copies of the comments and reply comments should also be sent to Aaron Goldschmidt, Assistant Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A121, Washington, D.C. 20554. Parties shall also serve one copy with Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 863-2893, or via email to <qualexint@aol.com>.

The original petitions for reconsideration filed by the parties in CC Docket Nos. 96-262, 94-1, 91-213, and 95-72 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from Qualex International, telephone (202) 863-2893, facsimile (202) 863-2898.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Marvin Sacks, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

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