



PUBLIC NOTICE

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DA 04-713
March 16, 2004

**In the Matter of Access Charge Reform,
Price Cap Performance Review for Local Exchange Carriers,
Interexchange Carrier Purchases of Switched Access Services Offered
by Competitive Local Exchange Carriers, Petition of U S West Communications, Inc.
for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA**

CC Docket Nos. 96-262, 94-1, 98-157; CCB/CPD File No. 98-63

**NOTICE OF DISMISSAL OF PETITIONS
FOR RECONSIDERATION AND CLARIFICATION**

On January 8, 2004, the Wireline Competition Bureau issued a Public Notice requesting parties that had filed petitions for reconsideration and clarification in the above-referenced 1999 Access Reform Docket to file a supplemental notice indicating those issues that the parties still wish to be reconsidered or clarified.¹ The notice was issued because the petitions for reconsideration and clarification were filed several years ago, and the passage of time and intervening developments, including additional Commission orders and proceedings regarding pricing flexibility and the pricing of special access services, may have rendered the records developed in response to those petitions stale.²

The Public Notice further stated that the Commission would deem such petitions withdrawn and would dismiss them unless parties indicated an intent to pursue their respective petitions for reconsideration and clarification no later than 30 days after publication of the Public Notice in the Federal Register.³ The notice was published in the Federal Register on January 21,

¹ Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1999 Access Reform Docket, Public Notice, DA 04-31 (Pricing Pol. Div., Jan. 8, 2004) (Public Notice); *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers, Petition of U S West Communications, Inc. for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA*, CC Docket Nos. 96-262, 94-1, 98-157; CCB/CPD File No. 98-63, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221 (1999) (*Access Reform Fifth Report and Order*).

² Public Notice at 1-2.

³ Public Notice at 2.

2004, and comments were due February 20, 2004.⁴ The Bureau did not receive any filings that responded to the notice within this time frame from parties that had previously filed petitions for reconsideration and clarification.⁵ Accordingly, the Bureau deems these petitions withdrawn and hereby dismisses them as of **February 23, 2004**.

Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.

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

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⁴ *Parties Asked To Refresh Record Regarding Reconsideration of Rules Adopted in 1999 Access Reform Docket*, 69 Fed. Reg. 2862 (Jan. 21, 2004).

⁵ The following parties filed petitions for reconsideration and/or clarification: Bell Atlantic, GTE, Network Access Solutions Corporation, and the United States Telephone Association. A comment from a different party in the form of a consumer letter and complaint was filed in this docket on Jan. 22, 2004. Although not appropriate for our consideration here, the comment was forwarded to the Commission's Consumer & Governmental Affairs Bureau which responded to the consumer letter separately.