

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 205444**

In the Matter of )  
 )  
The Pay Telephone Reclassification and ) CC Docket No. 96-128  
Compensation Provisions of the )  
Telecommunications Act of 1996 )

**MOTION FOR EXTENSION OF TIME**

Pac-West Telecomm, Inc. (“Pac-West”), through its undersigned counsel and pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, hereby requests an extension of time to file a Systems Audit Report as required by section 64.1320(b) of the Commission’s rules and the Report and Order released in *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-235, CC Docket No. 96-128 (rel. October 3, 2003). Specifically, Pac-West seeks a 90-day extension, until October 1, 2004, of the July 1, 2004 reporting deadline.<sup>1</sup>

Pac-West is working diligently to complete its Systems Audit Report; however, certain auditing constraints prevent Pac-West from meeting the July 1, 2004 effective date. Pac-West is in the process of implementing changes to its system, pursuant to the Commission’s rules (see 47 C.F.R. § 64.1300 *et seq.*), to track completed payphone calls and pay compensation to payphone service providers. Nonetheless, Pac-West’s auditor cannot complete the analysis and issue a Systems Audit Report before July 1, 2004. Accordingly, Pac-West requests a 90-day extension to ensure that the completed audit report is based on sufficient data.

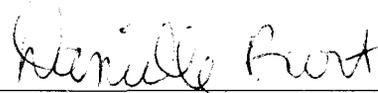
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<sup>1</sup> The Office of Management and Budget approved the Commission’ Order on May 5, 2004, which set the July 1, 2004 reporting deadline. See OMB No. 3060-1046 and *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Report and Order, FCC 03-235, CC Docket No. 96-128 (rel. October 3, 2003).

To the extent necessary, Pac-West requests a waiver of the late filing penalty set out in the October Order.<sup>2</sup> PacWest submits that no one will be harmed by the late-filed Systems Audit Report. Pac-West will have the necessary call tracking system implemented by July 1, 2004 and will make the necessary calculations and payments to ensure that payphone service providers are properly compensated. Thus, the Commission should waive any penalty.

Pac-West has attempted in good faith to meet the July 1, 2004 deadline; however, for the reasons described herein, Pac-West requires additional time. Accordingly, Pac-West hereby respectfully requests a 90-day extension of the reporting deadline, until October 1, 2004, to submit the Systems Audit Report to the Commission, to each payphone service provider for which it completes calls, and to each facilities-based long distance carrier from which it receives payphone calls.

Respectfully submitted,



Kathy L. Cooper  
Kathleen Greenan Ramsey  
Danielle C. Burt  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, D.C. 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7645

Counsel for Pac-West Telecomm, Inc.

Dated: June 23, 2004

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<sup>2</sup> The Commission stated that “the current base penalty for failure to file required forms or information with the Commission is \$3,000.” FCC 03-235 at ¶ 44.