

**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)

NOTICE AND MOTION FOR EXTENSION OF TIME

Primus Telecommunications, Inc. (“Primus”), through its undersigned counsel, hereby provides the Commission with notice regarding its intention to utilize certain interexchange carriers (“IXCs”), on an interim basis, to track payphone calls and compensate payphone service providers on Primus’s behalf. Ultimately, Primus intends to operate its own track and pay system; however, for the reasons described herein, Primus is entering into arrangements with IXCs as an interim measure until a Systems Audit Report has been completed in accordance with the Commission’s rules. Because one of the IXCs that delivers calls to Primus has not yet responded to Primus’ request to track and pay compensation on Primus’ behalf, and because the deadline for filing a motion for an extension of time is today (June 23, 2004), Primus files this motion requesting an extension of time, pursuant to section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, to file the Systems Audit Report required by section 64.1320(b) of the Commission’s Rules,¹ in the event the IXC declines to enter into an arrangement with Primus. To the extent the extension of time is necessary, Primus seeks a 60-day extension, until September 1, 2004, of the July 1, 2004 reporting deadline.

¹ 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).

Primus has devoted a tremendous amount of financial, managerial, administrative and technical resources in its efforts to comply with the Commission's new rules. Primus has implemented a system to track completed payphone calls and pay compensation to payphone service providers in accordance with the Commission's new rules (*see* 47 C.F.R. § 64.1300 *et seq.*). The audit process, however, requires a longer lead time than expected. Accordingly, Primus has requested certain IXCs track and pay compensation on its behalf on an interim basis, after which Primus will have a completed Systems Audit Report. Primus has worked diligently to make sure some arrangements are in place by July 1 in compliance with the Commission's rules, but in the event the remaining IXC declines, Primus needs additional time to file its Systems Audit Report. Accordingly, Primus may require an extension of time to file a Systems Audit Report as it will be unable to complete the Systems Audit Report before July 1, 2004 in the event the remaining IXC declines to track payphone calls and pay compensation on Primus' behalf. Accordingly, Primus requests a 60-day extension to ensure that the completed audit report is based on sufficient data.

To the extent necessary (*i.e.* if Primus requires the extension due to the IXC's refusal to track and pay on Primus' behalf), Primus respectfully requests a waiver of the late filing penalty set out in the *Report and Order*.² Primus submits that no one will be harmed by the late-filed Systems Audit Report. As explained above, Primus has implemented the necessary call tracking system. Thus, payphone service providers will be properly compensated. Primus appreciates the fact that the Commission has attempted to provide carriers, such as Primus, with a reasonable time period in which to implement the necessary changes and Primus has worked hard to try to

² 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.

comply with the Commission's deadlines. Thus, the Commission should waive any potential penalty.

Primus has attempted in good faith to meet the July 1, 2004 deadline; however, for the reasons described herein, Primus requires additional time. Accordingly, Primus hereby respectfully requests a 60-day extension of the reporting deadline, until September 1, 2004, to submit the Systems Audit Report, and for the reasons set forth herein, respectfully requests that the Commission waive a late filing penalty to the extent necessary.

Respectfully submitted,

A handwritten signature in cursive script that reads "Danielle C. Burt". The signature is written in black ink and is positioned above a horizontal line.

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