

**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)

AMENDMENT TO MOTION FOR EXTENSION OF TIME

Callipso Corporation (“Callipso” or “Company”), through its undersigned counsel and pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, hereby seeks to amend its motion for 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) (“*Report and Order*”). On June 23, 2004, Company requested a 60-day extension, until September 1, 2004, of the July 1, 2004 reporting deadline.¹ However, Company would like to amend its request and seeks a 90-day extension, until October 1, 2004.

In the *Report and Order*, the Commission declined to classify enhanced service providers (“ESPs”) as primary economic beneficiaries under the payphone compensation rules.² As a provider of IP-based services, Callipso is an ESP and, therefore, is not subject to the Commission’s payphone compensation rules (*see* 47 C.F.R. § 64.1300 *et seq.*). Nonetheless,

¹ The Office of Management and Budget approved the Commission’s 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).

² *Report and Order* at fn 74.

Callipso has decided to voluntarily adhere to the Commission's payphone compensation rules due to the demands of its carrier-customers and pressure from payphone service providers. As a voluntary participant, Callipso requests leniency from the Commission with regard to the July 1, 2004 deadline and any potential penalties that may be associated with a late-filed Systems Audit Report.

The Company is working diligently with its auditors to prepare and finalize its Systems Audit Report, but the Company and its auditor need additional time in which to properly analyze the information and data necessary to issue a Systems Audit Report in compliance with the AICPA standards. Accordingly, the Company requests a 90-day extension to ensure that the completed Audit Report is based on sufficient data.

To the extent necessary, the Company reiterates its request for a waiver of the late filing penalty set out in the *Report and Order*.³ As indicated above, Callipso, as an ESP, is volunteering to meet the payphone compensation requirements and should not be penalized for its decision. Moreover, the Company submits that no one will be harmed by the late-filed Systems Audit Report. The Company has implemented the necessary call tracking system and will make the requisite calculations and payments to ensure that payphone service providers are properly compensated. For these reasons, the Commission has good cause to waive any penalty.

For the reasons described herein, the Company requests an amendment to its original motion for extension of time. Accordingly, the Company hereby respectfully requests a 90-day extension of the reporting deadline, until October 1, 2004, to submit the Systems Audit Report to

³ The Commission stated that "the current base penalty for failure to file required forms or information with the Commission is \$3,000." *Report and Order* at ¶ 44.

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,

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

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Dated: August 4, 2004