

**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)

SUPPLEMENT TO JOINT MOTION FOR EXTENSION OF TIME

ATX Licensing, Inc. and CoreComm Newco, Inc.¹ (together, “ATX”), through their undersigned counsel and pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, hereby request an additional 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). On June 23, 2004, ATX requested a 90-day extension, until October 1, 2004, of the July 1, 2004 reporting deadline.² As explained in its Motion for Extension of Time filed with the Commission on June 23, 2004, ATX is currently under the protection of chapter 11 of the federal Bankruptcy Code.³ Thus, ATX proceeded cautiously by soliciting bids from auditors. ATX has retained an auditor and is

¹ CoreComm NewCo, Inc. will be responsible for compliance with the Commission rules on behalf of its common carrier subsidiaries.

² 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).

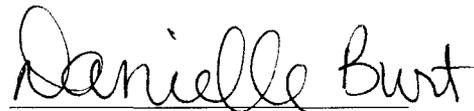
³ *In re ATX Communication, Inc., et al*, Chap. 11 Case No. 04-10214 (PCB) (Bankr. S.D.N.Y.)

proceeding as necessary before the Bankruptcy Court. Unfortunately, due to these various delays, ATX is unable to file its Systems Audit Report by October 1, 2004. Therefore, ATX requests an extension until December 31, 2004.

To the extent necessary, ATX requests a waiver of the late filing penalty set out in the October Order.⁴ ATX submits that no one will be harmed by the late-filed Systems Audit Report. Further, ATX will be taking the necessary steps to properly calculate completed call traffic received from payphone service providers, in accordance with the applicable Commission rules. Therefore, the Commission should waive any penalty.

For the reasons described herein, ATX requires additional time. Accordingly, ATX hereby respectfully requests an additional extension of the reporting deadline, until December 31, 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,



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⁴ 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.