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

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

SECOND 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] Then, on September 30, 2004, ATX requested an additional extension until December 31, 2004. ATX explained in both filings that it is currently under the protection of chapter 11 of the federal Bankruptcy Code.[3] As a result of the bankruptcy proceeding, filing a Systems Audit Report has been delayed in order to solicit bids from auditors and receive the Bankruptcy Court's approval.

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[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).

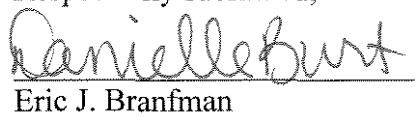
[3] *In re ATX Communication, Inc., et al,* Chap. 11 Case No. 04-10214 (PCB) (Bankr. S.D.N.Y.)

Pending approval by the Bankruptcy Court, the auditor, Ernst & Young, will perform the necessary audit. Accordingly, ATX requests an additional extension until February 28, 2005 to file its Systems Audit Report.

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 ATX has taken 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 February 28, 2005, 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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Dated: December 22, 2004

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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.