

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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January 18, 2005

Hon. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals II  
445 12th Street, SW  
Washington, D.C. 20554

RE: Comments of the New York State Department of Public Service in the Matter of Independent Payphone Association of New York's Petition for Preemption and Declaratory Ruling Concerning Refund of Payphone Line Rate Charges; CC Docket No. 96-128.

Dear Secretary Dortch:

Enclosed please find the comments of the New York State Department of Public Service in response to the Commission's Public Notice issued on January 7, 2005 in the above-referenced proceeding.

Should you have any questions concerning this filing, please call me at (518) 474-7579.

Very truly yours,

Saul M. Abrams  
Assistant Counsel

enc.