



PUBLIC NOTICE

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Released: March 31, 2006

COMMENTS SOUGHT ON AT&T PETITION FOR WAIVER TO TREAT CERTAIN LOCAL NUMBER PORTABILITY COSTS AS EXOGENOUS COSTS

CC Docket No. 95-116

COMMENTS DUE: April 7, 2006

REPLY COMMENTS DUE: April 11, 2006

On March 31, 2006, AT&T Inc. (AT&T), seeking relief on behalf of the Ameritech Operating Companies, Pacific Bell, and Southwestern Bell Telephone Company, filed a petition seeking a waiver of section 61.45(d) of the Commission's rules to permit it to treat its unrecovered carrier-specific local number portability (LNP) implementation costs as exogenous costs under this rule and to permit it to recover such costs from end users via the end user common line (EUCL) charge.¹ AT&T asserts that it fully satisfies the Commission's standard for exogenous relief because these unrecovered costs were beyond AT&T's control and not accounted for in the price cap formula, and that there is good cause for a waiver because the prescribed cost recovery mechanism, for unforeseeable reasons, did not permit AT&T full reasonable recovery of its LNP costs.²

Interested parties may file comments on or before **April 7, 2006**, and reply comments on or before **April 11, 2006**. Filings in this proceeding should be captioned "In the Matter of Petition of AT&T Inc. for Waiver of the Commission's Rules to Treat Certain Local Number Portability Costs as Exogenous Costs under Section 61.45(d)," and filed in CC Docket No. 95-116. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.³ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed.⁴ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing

¹ Petition of AT&T Inc. for a Waiver to Treat Certain Local Number Portability Costs as Exogenous Costs Under Section 61.45(d), CC Docket No. 95-116 (filed Mar. 31, 2006) (Petition) at 1 (citing 47 C.F.R. § 61.45(d)).

² *Id.*

³ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

⁴ If multiple docket or rulemaking numbers appear in the caption of a proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption.

address, and the applicable docket or rulemaking number, in this case **CC Docket No. 95-116**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.⁵

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's Electronic Comment Filing System (ECFS).**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.

- The filing hours at this location are 8 a.m. to 7 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings by email to Deena Shetler and Margaret Dailey (deena.shetler@fcc.gov and margaret.dailey@fcc.gov). Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in CC Docket No. 95-116, including AT&T's Petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and

⁵ If more than one docket or rulemaking number appear in the caption of a proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁶ See 47 C.F.R. §§ 1.1200, 1.1206.

arguments presented generally is required.⁷ Other requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b) of the Commission's rules.⁸

For further information, contact Margaret Dailey of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or margaret.dailey@fcc.gov.

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⁷ 47 C.F.R. § 1.1206(b)(2).

⁸ 47 C.F.R. § 1.1206(b).