PUBLIC NOTICE

Federal Communications Commission
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May 19, 2006

Reconsideration of Price Cap Performance Review for Local Exchange Carriers
Fourth Report and Order and
Access Charge Reform Second Report and Order

CC Docket Nos. 94-1 and 96-262

NOTICE OF PROCEEDING TERMINATION

On August 5, 2004, the Wireline Competition Bureau released a *Public Notice*[1] asking parties that filed petitions for reconsideration of the *1997 Price Cap Review Order*[2] to file a supplemental notice identifying those issues from their reconsideration petitions that they still wished the Commission to consider.[3] The *Public Notice* stated that, to the extent parties did not indicate an intent to pursue their petitions, the Commission would deem the petitions withdrawn.[4] The only petitioner that filed in response to the *Public Notice* was AT&T; therefore, we deem all other petitions for reconsideration to have been withdrawn. On May 8, 2006, AT&T filed a letter withdrawing its petition for reconsideration.[5] As all pending petitions for reconsideration have been withdrawn, this proceeding will be terminated effective 30 days after publication of this Public Notice in the Federal Register, unless the Wireline Competition Bureau receives an opposition to the termination before that date.

Parties filing oppositions to the termination of this proceeding should reference **CC Docket Nos. 94-1 and 96-262**. All pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.[6] Comments filed through the ECFS can be sent as an electronic file via

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[1] *Parties Asked to Refresh Record Regarding Reconsideration of Price Cap Performance Review for Local Exchange Carriers Fourth Report and Order and Access Charge Reform Second Report and Order*, CC Docket Nos. 94-1 and 96-262, Public Notice, 19 FCC Rcd 14897 (Wire. Comp. Bur. 2004) (*Public Notice*).

[2] *Price Cap Performance Review for Local Exchange Carriers, Access Charge Reform*, Fourth Report and Order in CC Docket No. 94-1 and Second Report and Order in CC Docket No. 96-262, 12 FCC Rcd 16642 (1997) (*1997 Price Cap Review Order*), *aff'd in part, rev'd in part sub nom. USTA v. FCC*, 188 F.3d 521 (D.C. Cir. 1999).

[3] *Public Notice*, 19 FCC Rcd at 14897-98. Petitions for reconsideration of the *1997 Price Cap Review Order* were filed by the Ad Hoc Telecommunications Users Committee, AT&T, Cincinnati Bell Telephone Company, and Citizens Utilities Company.

[4] *Id.* at 14898.

[5] Letter from Davida Grant, Senior Counsel, AT&T Services, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 96-262, 94-1 (filed May 8, 2006).

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

the Internet to http://www.fcc.gov/e-file/ecfs.html. Multiple docket or rulemaking numbers appear in the caption of this proceeding; therefore, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **CC Docket No. 94-1 and CC Docket No. 96-262**. 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 <your e-mail address>." 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. More than one docket or rulemaking number appears in the caption of this proceeding; therefore, commenters must submit two additional copies for each additional docket or rulemaking number. 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 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 8:00 a.m. to 7:00 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 to Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A263, 445 12th Street, SW., Washington, DC 20554, or by e-mail to jennifer.mckee@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 filed in CC Docket Nos. 94-1 and 96-262 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street 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, or by e-mail at fcc@bcpiweb.com.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[7] 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 arguments presented generally is required.[8] Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.[9]

Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.

For further information, contact Jennifer McKee of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1530.

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[7] 47 C.F.R. § 1.1200 *et seq.*

[8] 47 C.F.R. § 1.1206(b)(2).

[9] 47 C.F.R. § 1.1206(b).