

April 3<sup>rd</sup>, 2007

Commission's Secretary  
Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Deena Shetler: [deena.shetler@fcc.gov](mailto:deena.shetler@fcc.gov)  
FCC Contractor: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)

Re: WC Docket No. 06-210  
CCB/CPD 96-20

Drop Petitioners Motion for Reconsideration on Discrimination Issues

Dear Deena

Judge Wigenton has invited the parties to brief the District Court and she stated that this time she will have the parties come into Court instead of a conference call as we had yesterday.

AT&T is already up to its usual delay games before the District Court. AT&T is advising Judge Wigenton that she should not issue a primary jurisdiction referral on the discrimination issues due to the fact that petitioners have an active reconsideration motion before the FCC.

Therefore drop the reconsideration on the sole remaining discrimination issues under reconsideration. Just resolve the "traffic only" transfer issues and the IRS Referral on the shortfall issues until Judge Wigenton issues a referral on discrimination issues.

The fact that the FCC has stated that it will not resolve the discrimination issues even though the issues were specifically requested within petitioners 9/27/06 filing is not understood by petitioners.

Despite what the FCC's former General Counsel has stated, the FCC is taking the position that US Corporations that have standing can not request a Declaratory Ruling from the FCC on facts that are not disputed.

Additionally, the FCC still has not confirmed that it will resolve all the shortfall issues as per the IRS primary jurisdiction referral; as well as the fact that these issues, as per FCC General Counsel Mr. Schlick, were also specifically requested within petitioners 9/27/06 Declaratory Ruling Request filing. The pricing policy division has in effect completely usurped the FCC's General Counsels position as well as what the FCC's standard practice has been since Declaratory Rulings have been affect.

While the FCC can argue that it gives a higher priority rank to have Declaratory Ruling Requests resolved that are referred by District Courts the fact that petitioners have now waited over 12 years for justice more than evens the scale—not to mention the IRS has also issued a referral to have the shortfall issues resolved as well.

**The IRS and Judge Wigenton want to know if the FCC intends to resolve all the shortfall issues.** Judge Wigenton is inviting the parties to address Judge Bassler's ambiguous order regarding what he intended by "all other issues."

It is impossible for both AT&T and petitioners to brief Judge Wigenton regarding what is before the FCC when the FCC itself still has not confirmed that it is addressing the shortfall issues.

Given the fact that AT&T has provided zero evidence of any disputed facts regarding the shortfall or discrimination issues petitioners are totally perplexed. The FCC has stated:

FCC DECISION Page 13 Footnote 87:

Given our conclusion that AT&T violated section 203 of the Act, it is unclear what additional fact-finding on these issues is necessary.

Given the fact that AT&T has presented zero evidence of disputed facts, despite being challenged multiple times by petitioners to produce such disputed facts, why should petitioners go back to the District Court?

Al Inga Pres  
One Stop Financial, Inc  
800 Discounts, Inc.

Winback & Conserve Program Inc.  
Group Discounts, Inc.