

Jan 18, 2008

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**REGARDING DOCKETS: No. 06-210 AND No.07-278**

Motion to Have the Comments filed in both Dockets 06-210 and 07-278  
Utilized to Interpret All Declaratory Ruling Requests in both Dockets.

Also to have the FCC Issue One Order, Separately Interpreting within the One  
FCC Order All Declaratory Rulings for both Dockets.

Dear FCC staff:

The FCC's Mr. De Laurentis was asked if Declaratory Ruling Requests could be combined and he said yes they could. Mr. De Laurentis also explained that combining two DR's would have to make sense from the standpoint of judicial economy, in that the same tariff laws were being interpreted in both filings. That would be the case here. Additionally the same undisputed facts are at hand as both dockets pertain to the same parties.

The 07-278 Declaratory Rulings is extremely brief and addresses the same exact tariff sections and facts as the 06-210 case. Because the **issues overlap**, all declaratory rulings from the 4 Inga telecom companies and Tips Marketing Services, Corp should utilize the same FCC filed comments.

Please review the DR requests in each Docket and petitioners will then show the overlap...

## **DOCKET 06-210: Declaratory Ruling Requests:**

### **XXII Relief Sought - The FCC Is Requested to Issue Separate but Consolidated Declaratory Rulings That AT&T Violated its Tariff and Hence the Communications Act:**

- 1) By not transferring the traffic specified in Jan. 1995 under section 2.1.8.
- 2) Due to section 2.1.8 not having explicit provisions.
- 3-A) By violating 201(b) for its unjust and unreasonable interpretation of its discontinuation (restructure) provision on pre 6/17/94 plans, asserting the pre become post 6/17/94 when restructured prior to the 1st yr of a 3 yr. term. 3-B) And/Or for violation of 203 that indicates the CSTPII plan is at least grandfathered for three years after the June 17<sup>th</sup> 1994 substantive change.
- 4) By not adhering to the 15 day statute of limitations requirement of 2.1.8. Once 2.1.8 was determined as allowing traffic only or plan transfers the question of which obligations is moot.
- 5) By not adhering to section 3.3.1.Q bullet 10 by using an illegal remedy: A) Initially applying the charges to the end-users instead of its customer the aggregator and B) inflicting shortfall charges upon end-user locations in excess of the end-users discounts.
- 6) The FCC should declare that S&T obligations should have been waived under 2.5.7. (Circumstance Beyond Customers Control) because of AT&T's interpretation that a discontinuance (restructure) was simultaneously both a new plan and not a new plan.
- 7) By engaging in discrimination under 202 of the Act by not providing petitioners' with a contract tariff despite qualifying for it and also refusing all 90 day public offerings.
- 8) As noted by the District Court by engaging in discrimination under 202 of the Act for allowing thousands of other AT&T customers to transfer traffic only, both prior to and well after the Jan 1995 denied traffic transfer, but not allowing petitioners.
- 9) By violating 201(b) for unjust and unreasonable use of its fraudulent use provisions when the record indicates that the fiscal year commitments were met, and the traffic could be taken back.
- 10) Discrimination- On same transaction taking the position with co-petitioner (CCI) that the S&T charges were **bogus** and therefore needing to pay CCI, while asserting petitioners S&T charges were **legit**.
- 11) The FCC should again declare that AT&T used an illegal fraudulent use remedy by permanently denying the traffic only transfer instead of temporarily suspending service and therefore AT&T can not rely upon such charges even if the were found legitimate.
- 12) For violating 201(b) for unjust and unreasonable position that its S&T charges were legitimate for petitioners but simultaneously taking the position to the IRS and Florida Revenue Department that the S&T charges were totally bogus.

### **DOCKET 07-278 Declaratory Ruling Requests:**

I) The FCC must declare that under AT&T tariff No. 2, shortfall and termination obligations must stay with the Florida customer (CCI's) CSTPII/RVPP when only traffic is transferred as opposed to transferring traffic with CCI's, CSTPII/RVPP discount plan.

II) The FCC must declare that AT&T violated its tariff No. 2, by using an illegal remedy in inflicting shortfall and termination charges to non Florida based CCI's end-users, well in excess of the aggregator afforded CSTPII/RVPP discounts.

III) The FCC must declare that AT&T, having used an illegal remedy, can not rely upon shortfall and termination charges due to the illegal remedy.

IV) The FCC must declare that the responsibility for all the shortfall and termination obligations in 1996 is not the end-users responsibility but the responsibility of AT&T's primary customer---- the Florida based aggregator CCI.

The declaratory ruling request # **I** in Docket 07-278 requires the Commission to interpret AT&T tariff section 2.1.8 as per which obligations transfer under 2.1.8 as does the DR request #**1** within Docket 06-210.

The declaratory ruling request # **II** in Docket 07-278 requires the Commission to interpret the shortfall application illegal remedy utilizing AT&T tariff section 3.3.1.Q para 10 as does the DR request #**2** within Docket 06-210.

The declaratory ruling request # **III** in Docket 07-278 requires the Commission to interpret the shortfall application illegal remedy utilizing AT&T tariff section 3.3.1.Q para 10 as does the DR request #**5** within Docket 06-210.

The declaratory ruling request # **IV** in Docket 07-278 requires the Commission to interpret the shortfall application illegal remedy utilizing AT&T tariff section 3.3.1.Q para 10 as does the DR request #**5** within Docket 06-210.

Therefore each DR request within FCC Docket 07-278 will request the Commission to interpret the same tariff sections within FCC Docket 06-210.

It is a tremendous waste of time and money for the FCC' staff and the parties to transfer an enormous file under 06-210 to 07-278.

Petitioner's can not think of one problem with each docket relying up the comments filed in each case as the FCC will need to interpret each of the tariff sections.

Respectfully Submitted,

One Stop Financial, Inc  
Winback & Conserve Program, Inc.  
Group Discounts, Inc.  
800 Discounts, Inc

&

Tips Marketing Services, Corp.

/s/ Al Inga  
Al Inga President