

**Ward & Ward, P.C.**

*Michael W Ward*

*John F Ward, Jr.  
a/Counsel*

December 8, 2008

**By Electronic Filing**

**Ex Parte Presentation**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554

**Re: CC Docket No. 96-128, Illinois Public Telecommunications Association et al.  
Petitions for Declaratory Ruling**

Dear Ms. Dortch:

On December 8, 2008 I sent Daniel Gonzalez, Chief of Staff, and Amy E. Bender, Legal Advisor, to Chairman Kevin J. Martin, the attached letter regarding the Illinois Public Telecommunications Association Petition for Declaratory Ruling.

Sincerely,



Michael W. Ward

Enclosure

cc: Daniel Gonzalez  
Amy E. Bender

Ward & Ward, P.C.

Michael W Ward

John F Ward, Jr.  
of Counsel

Mr. Daniel Gonzalez  
Office of Chairman Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 96-128, Illinois Public Telecommunications Association et al.  
Petitions for Declaratory Ruling

Dear Dan:

On November 12, 2008 we met regarding the Illinois Public Telecommunications Petition for Declaratory Ruling. This petition seeks a declaration by the Commission that refunds are due to payphone service providers for BOC ILEC charges that exceeded the cost-based rates required by the Commission's new services test.

In our meeting we discussed previous orders in which the Commission has acknowledged its continuing jurisdiction over state proceedings conducted to implement compliance with Section 276 and the Commission's orders. (See I.G.2. of the handout.) In addition to the citations found in the handout, in 2002 the Commission asserted its continuing jurisdiction to issue two declaratory rulings regarding Section 276 new services test proceedings before the North Carolina Utilities Commission and the Michigan Public Service Commission, where the state commissions had entered decisions that were inconsistent with implementing the Commission's orders. *In the Matter of North Carolina Payphone Association Petition for Declaratory Ruling, CCB/CPD No. 99-27, Oklahoma Local Exchange Carrier Petition for Declaratory Ruling, CCB/CPD No. 99-31, Michigan Payphone Association Petition for Declaratory Ruling, CCB/CPD No. 99-35, DA 02-513, Released March 5, 2002, 17 F.C.C.R. 4275.* I am forwarding this citation to your attention as further support of the Commission's recognition of its continuing jurisdiction over state proceedings in this matter.

Sincerely,



Michael W. Ward

Cc: Amy E. Bender