

Ward & Ward, p.e.

Michael W Ward

*John F Ward, Jr.
of Counsel*

December 8, 2008

By Electronic Filing

Ex Parte Presentation

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 Scott Bergmann, Legal Advisor to Commissioner Jonathan S. Adelstein, the attached letter regarding the Illinois Public Telecommunications Association Petition for Declaratory Ruling.

Sincerely,



Michael W. Ward

Enclosure

cc: Scott Bergmann

Ward & Ward, P.C.

Michael W Ward

John F Ward, Jr.
of Counsel

Mr. Scott Bergmann
Office of Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

Dear Scott:

On November 19, 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 IG.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