

Pac-West

June 25, 2010

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Attn: Wireline Competition Bureau
Re: Pac-West Telecomm, Inc. – Motion for Extension of Time - FRN: 0001735224

Dear Ms. Dortch:

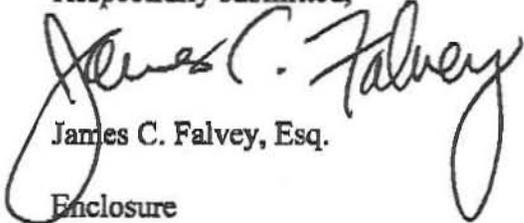
Enclosed please find Pac-West Telecomm Inc's request for extension of time In the Matter of *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*.

A copy of this filing and CD-ROM has been submitted to Best Copy and Printing, Inc., the Commission's printing service.

Questions relating to this filing should be directed to:

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Respectfully submitted,


James C. Falvey, Esq.

Enclosure

cc: Best Copy Services, Inc.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544**

In the Matter of)	
)	
The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996)	CC Docket No. 96-128
)	
)	

MOTION FOR EXTENSION OF TIME

Pac-West Telecomm Inc., (“Pac-West”), pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, hereby requests an extension of time to file a Systems Audit Report as required by Section 64.1320(f) of the Commission’s rules and the Report and Order released in *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003) (“*Report and Order*”). Specifically, with this Motion, Pac-West hereby seeks a 30-day extension, or until July 31, 2010, to file its 2010 System Audit Report.¹

Under the Commission’s rules, Completing Carriers were required to file a Systems Audit Report regarding the Completing Carrier’s compliance with Section 64.1310(a)(1) on July 1, 2004.² On an annual basis after the filing of the Systems Audit Report, Completing Carriers are required to:

Engage an independent third party auditor to: (1) verify that no material changes have occurred concerning the Completing Carrier’s compliance with the criteria of the prior year’s System Audit Report; or (2) if a material change has occurred concerning the Completing Carrier’s compliance with the prior year’s System

¹ The Office of Management and Budget approved the Commission’s Order on May 5, 2004, which set the July 1 annual reporting deadline. See OMB No. 3060-1046 and *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003) *The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, FCC 03-325, CC Docket No. 96-128 (rel. October 3, 2003).

² See 47 C.F.R. § 64.1320(b).

Audit Report, verify that the material changes do not affect compliance with the audit criteria³

Pac-West seeks an extension of time to file its 2010 System Audit Report verification because we require additional time needed to coordinate with our auditor. However, Pac-West is diligently working with the auditor to complete the System Audit Report as soon as possible.

There is good cause to grant an extension of time. Currently, Pac-West has an audited call tracking system in place, enabling Pac-West to track accurately payphone data for purposes of compensating payphone service providers ("PSPs"). Because Pac-West has already established an audited payphone tracking system, Pac-West does not anticipate any significant further delay in the verification and is in the process of expediting this work with its auditor. However, out of abundance of caution, Pac-West is requesting an extension of the filing deadline to July 31, 2010.

Pac-West requests a waiver of any late filing penalty set out in the *Report and Order*.⁴ As explained above, Pac-West already operates an audited call tracking and payment system that ensures the PSPs are compensated. Thus, the Commission should waive any penalty.

³ See 47 C.F.R. § 1320(f)

⁴ The Commission stated that "the current base penalty for failure to file required forms or information with the Commission is \$3,000." FCC 03-235 at ¶44.

Pac-West has attempted in good faith to complete its 2010 Systems Audit Report by July 1, 2010. However, for the reasons described herein, Pac-West requests a 30-day extension, or until July 31, 2010, to submit its 2010 System Audit Report in accordance with the Commission's rules.

Respectfully Submitted,



James C. Falvey, Esq.
Senior Regulatory Counsel
Pac-West Telecomm, Inc.

Dated: June 25, 2010