



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 10, 2012

0198

The Honorable Julius Genachowski
The Honorable Robert McDowell
The Honorable Mignon Clyburn
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Genachowski and Commissioners McDowell, and Clyburn:

As you know, in 2004, independent payphone service providers filed a petition with the Federal Communications Commission (FCC) seeking a declaratory ruling on refunds. I am writing to urge the Commission to expedite consideration of the petition and complete the vote.

This petition has been pending for over seven years without resolution. I understand that with empty seats on the Commission it has proved to be difficult to resolve this and other issues, however, these continued delays have a significant impact on the independent payphone service providers. I firmly believe that the time has come for the Commission to resolve this matter.

As Chairman of the Homeland Security Committee and a New Yorker, I have seen firsthand the need for a reliable communications system, including the availability of payphones. Despite the high and growing use of cellular phones, during terror attacks and certain natural disasters, it has been shown that commercial networks may not work. Payphones provide an important layer of communications capability.

A decision by the Commission on this issue is long overdue. I urge prompt consideration of the petition and completion of the voting. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter T. King", written over a horizontal line.

PETER T. KING
Chairman



FEDERAL COMMUNICATIONS COMMISSION

March 14, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Peter T. King
Chairman
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman King:

Thank you for your letter regarding independent payphone service providers and the payphone proceeding pending before the Commission.

As you are aware, the Commission is considering petitions for declaratory ruling from payphone providers seeking refunds from Bell Operating Companies in several states. Individual state public utility commissions have jurisdiction over the access line rates that payphone providers purchase to provide their service. In the petitions before the Commission, independent payphone associations from the states of Illinois, Mississippi, New York, Florida, Ohio, and Michigan request that the Commission preempt the decisions by each of the individual state commissions.

The issues that are before the Commission in these multiple petitions raise complex and unique procedural facts. The Commission has compiled an extensive record of evidence submitted by payphone service providers and interested parties from several states. On the basis of that record, I circulated a final order on this item to my colleagues and have entered my vote.

Please be assured that the Commission recognizes the importance of payphones and will give full consideration to all the facts and issues raised by the parties. If I can provide any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Julius Genachowski", written over a horizontal line.

Julius Genachowski