Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matters of	)
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AT&T Corp. Petition for Expedited	) NSD-L-00-06
Declaratory Ruling	)
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ORDER

Adopted: April 20, 2000   **Released:** April 21, 2000

By the Chief, Network Services Division,
Common Carrier Bureau:

      1.   On November 15, 1999, AT&T Corp. (AT&T) filed a petition (Petition) with the Federal Communications Commission (Commission) requesting an expedited declaratory ruling, pursuant to section 1.2 of the Commission's rules[1], that the cost recovery mechanism contained in Ameritech Ohio's (Ameritech) intrastate tariff implementing dialing parity violates section 51.215 of the Commission's rules[2] and the Commission's *Local Competition Second Report and Order*.[3] On January 28, 2000, the Commission released a Public Notice requesting that comments on the Petition be filed by February 14, 2000, and reply comments by February 22, 2000.[4] Ameritech, AT&T, MediaOne Group Inc. (MediaOne), MCI WorldCom, Inc. (MCI WorldCom), and the Public Utility Commission of Ohio (PUCO) filed comments. Subsequently, AT&T and Ameritech both filed reply comments.

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[1]   47 C.F.R. § 1.2.

[2]   47 C.F.R. § 51.215.

[3]   *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Interconnection Between Local Exchange Carriers and Commercial Mobil Radio Service Providers, Area Code Relief Plan for Dallas and Houston Ordered by the Public Utilities Commission of Texas, and Administration of the North American Numbering Plan,* Second Report and Order, and Memorandum Opinion and Order, CC Docket No. 96-98, 11FCC Rcd 19392, (1996) (*Local Competition Second Report and Order*), *vacated in part sub nom. People of the State of California v. Federal Communications Commission*, 124 F. 3d 934 (8th Cir. 1997), *rev'd*, *AT&T Corp. v. Iowa Util. Bd*., 119 S.Ct 721 (1999).

[4]   Common Carrier Bureau Seeks Comments on AT&T Corporation's Petition for Declaratory Ruling That Ameritech Ohio's Dialing Parity Cost Recovery Mechanism Violates 47 C.F.R. § 51.215, Public Notice, DA 00-127 (rel. Jan. 28, 2000).

2. On March 28, 2000, AT&T, the PUCO, and Ameritech filed a joint request to suspend this proceeding.[5] This filing informed the Commission that AT&T, Ameritech, and the PUCO staff executed a settlement agreement (Settlement Agreement) that would resolve the issues AT&T raised in its Petition.[6] According to the joint request, the Settlement Agreement was filed with the PUCO on March 28, 2000.[7] As part of the Settlement Agreement, AT&T promised to withdraw its Petition within five days of the PUCO's final adoption of the Settlement Agreement.[8] The PUCO is joining in this procedural request to suspend the Commission proceeding without prejudice to the PUCO's impending consideration of whether or not to adopt the Settlement Agreement; the PUCO argues that a temporary stay, pending the PUCO's decision, would conserve Commission resources.

3. We agree with the parties that Commission resources do not need to be expended on the Petition if the PUCO ultimately adopts an agreement that will result in its withdrawal. We thus grant a temporary stay of our consideration of this proceeding. We note, however, that this decision is without prejudice to our further consideration and resolution of the Petition once the PUCO decides whether or not to adopt the Settlement Agreement.

ORDERING CLAUSE

4. The joint request to suspend this proceeding, pending the PUCO's review of the Settlement Agreement, is hereby GRANTED without prejudice to the Commission to resume consideration of the matter once the PUCO has ruled on the Settlement Agreement. We request that the parties inform of us of the PUCO's decision and forward a copy of that decision to us for inclusion in the record.

FEDERAL COMMUNICATIONS COMMISSION

L. Charles Keller
Chief, Network Services Division
Common Carrier Bureau

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[5] *Joint Request For Ruling On Stay Request,* filed by AT&T, the PUCO staff, and Ameritech on March 28, 2000.

[6] *Id*

[7] *Id.*

[8] *Id.*