

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

In the Matter of)	
)	
)	
AT&T Corp. Request to Withdraw Petition)	NSD-L-00-06
for Expedited Declaratory Ruling)	
)	
)	
)	
)	

ORDER

Adopted: June 8, 2001

Released: June 11, 2001

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

1. On November 15, 1999, AT&T Corp. (AT&T) filed a petition (Petition)¹ for an expedited declaratory ruling, pursuant to section 1.2 of the Federal Communications Commission's (Commission) rules.² In its Petition, AT&T requested a declaration that the cost recovery methodology contained in Ameritech Ohio's (Ameritech) intrastate intraLATA tariff implementing intraLATA toll presubscription violated both section 51.215 of the Commission's rules³ and the Commission's *Local Competition Second Report and Order*.⁴ The Commission released a Public Notice on January 28, 2000, requesting that comments on the Petition be filed by February 14, 2000, and reply comments by February 22, 2000.⁵ Ameritech, AT&T, MediaOne Group Inc., MCI WorldCom, Inc., and the Public Utilities Commission of Ohio (PUCO) filed

¹ *AT&T Corp. Petition for Expedited Declaratory Ruling*, filed on November 15, 1999.

² 47 C.F.R. § 1.2.

³ 47 C.F.R. § 51.215.

⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Interconnection Between Local Exchange Carriers and Commercial Mobile 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).

⁵ 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).

comments. Subsequently, AT&T and Ameritech filed reply comments.

2. On March 28, 2000, AT&T, PUCO, and Ameritech filed a joint request with the Commission (Joint Request) to suspend the proceeding.⁶ In this filing, the parties informed the Commission that they had executed a settlement agreement (Settlement Agreement) that would resolve the issues that AT&T raised in its Petition. As part of the Settlement Agreement, AT&T agreed to withdraw the Petition within five days of PUCO's final adoption of the Settlement Agreement.⁷ On April 21, 2000, the Commission granted the Joint Request, agreeing with the parties that expending Commission resources was unnecessary if PUCO were to ultimately adopt an agreement that would result in the Petition's withdrawal.⁸ On April 27, 2000, PUCO adopted the Settlement Agreement,⁹ and in response, on May 3, 2000, AT&T filed a request to withdraw the Petition with the Commission.¹⁰

3. In light of the PUCO's adoption of the Settlement Agreement and AT&T's request to withdraw the Petition, the issues raised by AT&T in the Petition are moot. Accordingly, we grant AT&T's request to withdraw the Petition.

ORDERING CLAUSE

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.291 and 1.2 of the Commission's rules, 47 C.F.R. §§ 0.291 and 1.2, that AT&T's request to withdraw its Petition and terminate this proceeding is hereby GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Diane Griffin Harmon
Acting Chief, Network Services Division
Common Carrier Bureau

⁶ *Joint Request For Ruling On Stay Request*, filed by AT&T, the PUCO staff, and Ameritech on March 28, 2000.

⁷ *Id.*

⁸ *AT&T Corp. Petition for Expedited Declaratory Ruling*, Order, DA 00-902, para. 3 (rel. Apr. 21, 2000).

⁹ *Application of Ameritech Ohio (Formerly known as The Ohio Bell Telephone Company) for Approval of an Alternative Form of Regulation*, Opinion and Order, (Public Utilities Commission of Ohio, Case No. 93-487-TP-ALT), (rel. April 27, 2000).

¹⁰ *AT&T Corp.'s Request to Withdraw Petition*, filed on May 3, 2000.