



# PUBLIC NOTICE

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**DA 01-1647**

## **PARTIES ASKED TO REFRESH THE RECORD REGARDING RECONSIDERATION OF RULES ADOPTED IN THE 1997 *UNIVERSAL SERVICE FIRST REPORT AND ORDER***

**CC Docket No. 96-45**

**Release Date: July 11, 2001**

**Comment Date: 30 days after publication in the Federal Register**

**Reply Comment Date: 45 days after publication in the Federal Register**

Pursuant to section 1.106 of the Commission's rules, which governs petitions for reconsideration, the Bureau invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules the Commission adopted in the First Report and Order in CC Docket No. 96-45, Federal-State Joint Board on Universal Service.<sup>1</sup>

On May 8, 1997, the Commission released the *Universal Service First Report and Order* as required by the 1996 Telecommunications Act. Many parties filed petitions for reconsideration of that order. Since then, there has been substantial litigation concerning many of the rules adopted in the *Universal Service First Report and Order*.<sup>2</sup> As a result, many of the issues raised in the petitions for reconsideration may no longer remain in dispute.

The Commission has refrained from considering many of the petitions for reconsideration of the rules adopted in the *Universal Service First Report and Order* until most of the litigated issues were resolved. Now that issues in dispute have narrowed, the Commission will proceed to address petitions for reconsideration relating to rules that are not the subject of pending litigation.

Because these petitions were filed several years ago, the passage of time and intervening developments may have rendered the records developed by those petitions stale. For example, in addition to the litigation mentioned above, the Commission has issued several orders on reconsideration of the *Universal Service First Report and Order*.<sup>3</sup> Moreover, some issues raised

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<sup>1</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (1997) (*Universal Service First Report and Order*) (subsequent history omitted).

<sup>2</sup> *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5<sup>th</sup> Cir. 1999), *cert. denied*, 120 S.Ct. 2212 (2000), *cert. dismissed*, 121 S.Ct. 423 (2000); *Alenco Communications, Inc. v. FCC*, 201 F.3d 608 (5<sup>th</sup> Cir. 2000).

<sup>3</sup> See, e.g., *Federal-State Joint Board on Universal Service; Access Cap Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge*, Fourth Order

in petitions for reconsideration may have become moot or irrelevant in light of intervening events.

For these reasons, the Bureau requests that parties that filed petitions for reconsideration of the *Universal Service First Report and Order* in 1997 now file a supplemental notice indicating which of such issues they still wish to be reconsidered. In addition, parties may refresh the record with any new information or arguments they believe to be relevant to deciding such issues. To the extent parties do not indicate an intent to pursue their respective petitions for reconsideration, the Commission will deem such petitions withdrawn and they will be dismissed. The refreshed record will enable the Commission to undertake appropriate reconsideration of its universal service rules.

Interested parties may file comments updating their previously filed petitions for reconsideration no later than **30 days after publication of this Public Notice in the Federal Register**, and reply comments on or before **45 days after publication of this Public Notice in the Federal Register**. All filings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554. Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room 5-A422, Washington, D.C. 20554. In addition, interested parties must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037. The original petitions for reconsideration that parties filed in 1997 are available for inspection and copying during normal business hours in the FCC's Reference Center, Room CY-A257, 445 12<sup>th</sup> Street, SW, Washington, DC 20554. Copies can also be obtained from ITS at 1231 20<sup>th</sup> Street, NW, Washington DC 20036 or by calling ITS at (202) 857-3800 or faxing ITS at (202) 857-3805.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Sheryl Todd, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.

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on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, 13 FCC Rcd 5318 (1997); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Memorandum Opinion and Order and Seventeenth Order on Reconsideration, FCC 99-280 (rel. Oct. 13, 1999).

