



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA 01-301

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**Released: February 5, 2001**

## **AT&T And Sprint File Petitions For Declaratory Ruling On CLEC Access Charge Issues**

### **Pleading Cycle Established**

**CCB/CPD No. 01-02**

**COMMENTS: February 20, 2001**

**REPLY COMMENTS: March 2, 2001**

On January 5, 2001, the United States District Court for the Eastern District of Virginia referred to the Commission, under the doctrine of primary jurisdiction, issues raised in two related civil actions involving AT&T, Sprint, and several competitive local exchange carriers (CLECs).<sup>1</sup> On January 19, 2001, AT&T and Sprint (Petitioners) each filed a Petition for Declaratory Ruling with the Commission pursuant to the district court's referrals. We seek comment on the issues identified in these petitions.

Petitioners state that the plaintiffs in the underlying civil cases filed suit in order to collect unpaid charges for access services billed to AT&T and Sprint at the CLECs' tariffed rates. In its January 5th orders, the court referred to the Commission issues concerning the obligations of interexchange carriers (IXCs) to purchase CLEC access services. The court stayed all remaining issues in the case, pending a Commission ruling, until July 19, 2001. Petitioners request that the Commission issue declaratory rulings to resolve the following issues: (1) whether any statutory or regulatory constraints prevent an IXC from declining access services, or from terminating access services previously ordered or constructively ordered; and, if not, (2) what steps IXCs must take either to avoid ordering access service or to cancel service after it has been ordered or constructively ordered. Interested parties may file comments in response to the issues identified in AT&T's and Sprint's petitions.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-

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<sup>1</sup> Advantel, LLC, *et al.* v. AT&T Corp., Civil Action No. 00-643-A (E.D. Va. Jan. 5, 2001); Advantel, LLC, *et al.* v. Sprint Communications Co., Civil Action No. 00-1074-A (E.D. Va. Jan. 5, 2001).

disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

We request that parties file comments on an expedited basis in light of the limited stay entered by the court. Interested parties may file comments no later than February 20, 2001. Reply comments may be filed no later than March 2, 2001. When filing comments, please reference the internal file number: CCB/CPD 01-02.

An original and four copies of all comments and reply comments must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 – 12<sup>th</sup> Street, S.W., TW-A325, Washington, D.C. 20554. In addition, one copy of each pleading must be filed with International Transcription Services (ITS), the Commission's duplicating contractor, at its office at 1231 – 20<sup>th</sup> Street, N.W., Washington, D.C. 20036, and one copy with the Chief, Competitive Pricing Division, 445 – 12<sup>th</sup> Street, S.W., TW – A225, Washington, D.C. 20554. Documents in CCB/CPD No. 01-02 are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 – 12<sup>th</sup> Street, S.W., CY-A257, Washington, D.C., 20554. The documents may also be purchased from ITS, telephone (202) 857-3800, facsimile (202) 857-3805.

For further information contact Tamara Preiss, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520.

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