

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

In the Matter of )  
 )  
Informal Complaints Filed By )  
Independent Payphone Service ) File No. IC-98-42853, et al.  
Providers Against Various )  
Local Exchange Carriers )  
Seeking Refunds Of End User )  
Common Line Charges )

ORDER

Adopted: February 4, 2002

Released: February 5, 2002

By the Chief, Enforcement Bureau:

1. In this Order, we extend the deadline for converting End User Common Line ("EUCL") informal complaints into formal complaints.<sup>1</sup> In these informal complaints, independent payphone providers ("IPPs") allege that the defendant local exchange carriers ("LECs") improperly assessed EUCL charges, in violation of the Commission's rules and sections 201(b) and 202(a) of the Communications Act, as amended (the "Act").<sup>2</sup> Because the IPPs' claims are similar to those asserted by other IPPs in formal complaint proceedings that were already before the Commission in 1999,<sup>3</sup> the deadline for conversion of these informal complaints into formal complaints was previously modified to be "no less than 90 days after a final nonappealable order has been entered" in the formal complaint proceedings.<sup>4</sup>

2. On April 13, 2000, the Commission, in these formal complaint proceedings, ruled that

<sup>1</sup> Ordinarily, section 1.718 requires that a formal complaint must be filed with six months of the carrier's response to the informal complaint. 47 C.F.R. § 1.718(a).

<sup>2</sup> 47 U.S.C. §§ 201(b) and 202(a); 47 C.F.R. §§ 69.1 *et seq.*

<sup>3</sup> See *C.F. Communications Corp. v. FCC*, 128 F.3d 735 (D.C. Cir. 1997); see also *C.F. Communications Corp. v. FCC*, No. 97-1202, slip. op (D.C. Cir. 1997); *C.F. Communications Corp. v. Century Telephone of Wisconsin, Inc. et al.*, Memorandum Opinion and Order, 8 FCC Rcd 7334, 7335-36 (1993); *C.F. Communications Corp. v. Century Telephone of Wisconsin, Inc., et al.*, Memorandum Opinion and Order, 10 FCC Rcd 9775 (1995); *C.F. Communications Corp., et al. v. Michigan Bell Telephone Co., et al.*, Memorandum Opinion and Order, 12 FCC Rcd 2134 (1997).

<sup>4</sup> *Informal Complaints Filed By Independent Payphone Service Providers Against Various Local Exchange Carriers Seeking Refunds of End User Common Line Charges*, File No. 89-170, DA 99-1858, Common Carrier Bureau (rel. Sept. 10, 1999) ("Waiver Order"), at ¶ 5.

the defendant LECs improperly assessed EUCL charges upon the Complainants.<sup>5</sup> On November 9, 2001, the U.S. Court of Appeals for the District of Columbia affirmed the Commission's liability determinations.<sup>6</sup> Unless a party files a writ of certiorari within the statutory time frame, this *Appeals Court Decision* will constitute a final, non-appealable order on February 9, 2002.<sup>7</sup>

3. The Commission is aware that parties to these informal complaints have begun to discuss settlement prospects. In light of these efforts, we now extend to September 9, 2002, the filing deadline for the conversion of these EUCL informal complaints into formal complaints.<sup>8</sup> Because this extension will facilitate the possible settlement of these numerous claims, we are satisfied that our action today serves the public interest.

4. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 208, section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.011 and 0.311, that section 1.718(a) of the Commission's rules, 47 C.F.R. § 1.718(a), IS HEREBY WAIVED, with regard to the IPP EUCL informal complaints described herein and the deadline for the conversion and filing of these informal complaints into formal complaints is hereby extended to September 9, 2002. This waiver is effective as of the release of this Order.

5. IT IS FURTHER ORDERED, that the Secretary of the Commission shall cause to have this Order published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION



David H. Solomon,  
Chief, Enforcement Bureau

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<sup>5</sup> *C.F. Communications Corp., et al. v. Century Telephone of Wisconsin, Inc., et. al.*, Memorandum Opinion and Order on Remand, 15 FCC Rcd 8759, 8768 (2000).

<sup>6</sup> *Verizon Telephone Companies, et al. v. FCC*, 269 F.3d 1098, 1109 (D.C. Cir. 2001).

<sup>7</sup> See 28 U.S.C. § 2350 (Application for a writ of certiorari shall be made within 90 days after entry of the judgement). The D.C. Circuit's decision was entered on November 9, 2001. See also *Waiver Order* at ¶ 5.

<sup>8</sup> See 47 C.F.R. §§ 1.718 *et seq.*