



# PUBLIC NOTICE

Federal Communications Commission  
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DA 04-1903  
Released: June 28, 2004

## NOTICE OF DISMISSAL OF PETITION FOR DECLARATORY RULING

### Petition For Declaratory Ruling Filed by Connie L. Smith On Interexchange Carrier "Rounding-Up" Practices

#### CCB/CPD File No. 98-30

On April 2, 2004, the Wireline Competition Bureau issued a Public Notice requesting interested parties to the petition for declaratory ruling filed by Connie L. Smith (Petitioner) on March 30, 1998, CCB/CPD File No. 98-30, to file a supplemental notice indicating those issues that the parties still wish to be considered.<sup>1</sup> The Public Notice was issued because the district court's dismissal of the underlying litigation,<sup>2</sup> and the Petitioner's apparent decision not to pursue the matter before the Commission after the court's decision, may have left no outstanding issues for the Commission to address.<sup>3</sup>

The Public Notice further stated that the Commission would deem such petition withdrawn and would dismiss it unless parties indicated an intent to pursue the issues delineated in the petition for declaratory ruling no later than 30 days after publication of the Public Notice in the Federal Register.<sup>4</sup> The notice was published in the Federal Register on April 30, 2004, and comments were due on or before June 1, 2004, with reply comments due on or before June 14, 2004.<sup>5</sup> The Bureau did not receive any filings that responded to the notice within this time frame from parties that had previously filed the petition for declaratory ruling or submitted comments in response to the related Public Notice.<sup>6</sup> Accordingly, the Bureau deems the petition withdrawn and hereby dismisses it as of June 28, 2004.

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<sup>1</sup> *Parties Asked To Update Record Regarding Petition For Declaratory Ruling On Interexchange Carrier "Rounding-Up" Practices*, Public Notice, DA 04-943 (rel. April 2, 2004) (Public Notice).

<sup>2</sup> *See Smith v. Sprint Communications Company, L.P.*, No. C 96-2067 WHA, 1999 WL 1285445 (N.D. Cal. Dec. 27, 1999) (dismissing Petitioner's case in its entirety for lack of subject matter jurisdiction).

<sup>3</sup> Public Notice at 2.

<sup>4</sup> Public Notice at 2.

<sup>5</sup> *Parties Asked To Update Record Regarding Petition For Declaratory Ruling On Interexchange Carrier "Rounding-Up" Practices*, 69 Fed. Reg. 23756 (April 30, 2004).

<sup>6</sup> *See Petition for Declaratory Ruling of Connie L. Smith*, Public Notice, DA 98-945 (rel. May 18, 1998).

Action by the Chief, Pricing Policy Division, Wireline Competition Bureau.

For further information, contact Steve Morris of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-2858.

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