



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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**CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON  
MID AMERICA COMPUTER CORPORATION'S PETITION FOR EXPEDITED  
INTERIM WAIVER OF SECTION 64.4002 OF THE COMMISSION'S  
CUSTOMER ACCOUNT RECORD EXCHANGE RULES**

**CG Docket No. 02-386**

**Comments Due: 15 Days After Publication in the Federal Register**

**Reply Comments Due: 25 Days After Publication in the Federal Register**

On December 2, 2005, Mid America Computer Corporation (MACC), filed a petition on behalf of its client companies for expedited, interim waiver of requirements set forth in section 64.4002 of the Commission's customer account record exchange (CARE) rules.<sup>1</sup> The CARE rules generally require interexchange carriers (IXCs) and local exchange carriers (LECs) to exchange certain customer account information that the Commission has determined is needed by carriers to properly bill their customers and to execute carrier change requests in a timely and efficient manner.<sup>2</sup> The CARE rules became effective on September 21, 2005.<sup>3</sup>

MACC states that it provides billing and data processing services to small, rural incumbent LECs and, more recently, to competitive LECs that provide local and long distance telephone services.<sup>4</sup> On behalf of its approximately 275 client companies, MACC asks the Commission for an interim waiver of subsection 64.4002(a)(7) and section 64.4002(c) of the Commission's CARE rules until September 1, 2006.<sup>5</sup> Subsection 64.4002(a)(7) requires a LEC, upon receiving and processing a PIC selection submitted by a customer and placing the customer on the network of the customer's preferred IXC at the LEC's local switch, to provide certain customer account information to the IXC concerning the IXC's

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<sup>1</sup> See Petition for Expedited Interim Waiver of Section 64.4002 of the Commission's Rules, filed by MACC, December 2, 2005 (*Waiver Request*). See also 47 C.F.R. § 64.4002.

<sup>2</sup> See *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 4560 (rel. Feb. 25, 2005).

<sup>3</sup> See *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, 70 Fed. Reg. 55302-01 (Sept. 21, 2005).

<sup>4</sup> Waiver Request at 1-2.

<sup>5</sup> Waiver Request at 2.

new customer. This would include, as relevant here, a notification that the IXC customer's account is subject to a PIC freeze.<sup>6</sup> Section 64.4002(c) requires a LEC to notify an IXC when the LEC has rejected or otherwise has not acted upon an IXC-submitted PIC change order and to provide the reason(s) why the PIC change order could not be processed.<sup>7</sup>

MACC represents that it seeks an interim waiver only with respect to the two provisions of the Commission's CARE rules referenced above and that its processing services are "in compliance" with other requirements established in the CARE order.<sup>8</sup> MACC contends that a grant of its *Waiver Request* is needed to allow it "sufficient time to complete [its] development of the software" required by MACC's clients to fully comply with the Commission's February 2005 CARE order.<sup>9</sup> According to MACC, an interim waiver would allow it to include the programming changes needed to implement these two requirements in its next regularly-scheduled release of its operating support system product "without significant costs to its small rural LEC clients."<sup>10</sup> Combining and incorporating the software solutions addressing these requirements with the "regularly-scheduled release[] of its operating support system product," according to MACC, will avoid the need to issue "numerous updates" and thus limit the costs of any required updates to its clients.<sup>11</sup>

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on MACC's *Waiver Request* on or before the 15<sup>th</sup> day after publication of this Public Notice in the Federal Register, and reply comments may be filed on or before the 25<sup>th</sup> day after publication of this Public Notice in the Federal Register. When filing comments, please reference CG Docket No. 02-386. 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. 24121 (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, U.S. Postal Service mailing address, and the applicable docket number (CG Docket No. 02-386). Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send 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 send an original and four (4) copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any

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<sup>6</sup> 47 C.F.R. § 64.4002(a)(7).

<sup>7</sup> 47 C.F.R. § 64.4002(c).

<sup>8</sup> Waiver Request at 3.

<sup>9</sup> Waiver Request at 1.

<sup>10</sup> Waiver Request at 2.

<sup>11</sup> Waiver Request at 2.

envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-B204, Washington, DC 20554.

Unless otherwise provided, requests for waiver of the Commission's rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the potential impact of this proceeding on persons not parties to the *Waiver Request*, this proceeding shall be treated as a permit-but-disclose proceeding under the *ex parte* rules, which are codified at 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, *ex parte* presentations will be allowed but must be disclosed in accordance with the requirements of section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b). 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 is generally required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

The full text of this document and copies of any subsequently filed documents in this matter will be 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., Room CY-A257, Washington, DC 20554, (202) 418-0270. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their web site: [www.bcpweb.com](http://www.bcpweb.com) or by calling 1-800-378-3160.

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**FOR FURTHER INFORMATION CONTACT:** Lisa Boehley, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 202-418-7395 (voice), [Lisa.Boehley@fcc.gov](mailto:Lisa.Boehley@fcc.gov).

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