



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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**NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC. FILING OF LETTER FROM
SUPREME JUDICIAL COURT OF MASSACHUSETTS REGARDING IMPLEMENTATION OF
THE PAY TELEPHONE COMPENSATION PROVISIONS OF THE
TELECOMMUNICATIONS ACT OF 1996**

CC Docket No. 96-128

On March 30, 2006, the New England Public Communications Council, Inc. (NEPCC) filed an *ex parte* letter with the Commission in CC Docket No. 96-128. In the letter, the NEPCC submits for the Commission's consideration an order of the Supreme Judicial Court of Massachusetts and a letter from that court addressed to FCC Chairman Kevin J. Martin requesting Commission guidance in interpreting and applying Commission orders implementing section 276 of the Communications Act of 1934, as amended, and various Commission payphone orders.¹ In particular, the court seeks guidance on the circumstances under which those orders might require refund of payphone intrastate line rate charges.² NEPCC observes that the issues raised by the court are pending before the Commission as a result of four petitions for declaratory ruling filed by other parties, all of which were consolidated in this docket.³ Accordingly, the Commission will consider the court's request in conjunction with its consideration of the petitions for declaratory ruling, all of which seek refunds of payphone line rates. Interested parties are reminded that they may submit *ex parte* presentations regarding the court's request or any other issues in this docket.

This is a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁴ 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

¹ See Letter from Paul C. Besozzi, Counsel for NEPCC, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-128 (filed March 30, 2006).

² *Id.* at Attachment.

³ *Id.* at 2; see also Illinois Public Telecommunications Association Petition for a Declaratory Ruling, CC Docket No. 96-128 (filed July 30, 2004); The Southern Public Communication Association Petition for a Declaratory Ruling, CC Docket No. 96-128 (filed Nov. 9, 2004); Petition of the Independent Payphone Association for New York, Inc. for an Order of Pre-Emption and Declaratory Ruling, CC Docket No. 96-128 (filed Dec. 29, 2004); Petition of the Florida Public Telecommunications Association, Inc. for a Declaratory Ruling and For an Order of Preemption, CC Docket No. 96-128 (filed Jan. 31, 2006).

⁴ See 47 C.F.R. §§ 1.1200, 1.1206.

is required.⁵ 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.⁶

Persons making written *ex parte* presentations may file them using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷ Written *ex parte* presentations filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Only one copy of an electronic submission must be filed in a single docket. On completing each transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **CC Docket No. 96-128**. Parties may also submit an electronic *ex parte* by Internet e-mail. To get filing instructions for e-mail filing, filers should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and instructions will be sent in reply. Parties are strongly encouraged to file their *ex partes* electronically using the Commission's ECFS.

Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, 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 will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, 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, and any envelopes must be disposed of before entering the building. Commercial 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 12th Street, SW, 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 12th Street, SW, Washington, D.C. 20554. Parties should also send one copy of their filings to the Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 12th Street, SW, Washington, D.C. 20554. In addition, parties should send one copy to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

Documents in CC Docket No. 96-128, including the NEPCC letter, the court order, and the letter to Chairman Martin, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. Accessible formats (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau, at (202) 418-0531, TTY (202) 418-7365, or at fcc504@fcc.gov.

⁵ See 47 C.F.R. § 1.1206(b).

⁶ 47 C.F.R. § 1.1206(b).

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

For further information, contact Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau, (202) 418-2350.

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