



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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March 5, 2007

## **PARTIES ASKED TO REFRESH RECORD REGARDING RECONSIDERATION OF RULES ADOPTED IN *CALLS ORDER***

**CC Docket Nos. 96-262, 94-1, 99-249, 96-45**

**SUPPLEMENTAL NOTICES DUE: 30 days after Federal Register publication of this Notice**  
**COMMENTS DUE: 45 days after Federal Register publication of this Notice**

Pursuant to the Commission's rules governing petitions for reconsideration,<sup>1</sup> the Wireline Competition Bureau (the Bureau) invites interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules the Commission adopted in the *CALLS Order*.<sup>2</sup> After the Commission released the *CALLS Order* on May 31, 2000, four parties filed petitions for reconsideration of that order. These petitions were filed by the Association for Local Telecommunications Services (ALTS) and Focal Communications Corp., One Call Communications, Inc., Pathfinder Communications, Inc., and the Texas Office of Public Utility Counsel.<sup>3</sup> The Commission addressed the petition filed by One Call Communications, Inc. in a subsequent order,<sup>4</sup> and the Texas Office of Public Utility Counsel withdrew its petition on July 27, 2000.<sup>5</sup>

Since these petitions were filed, there has been a court of appeals decision and additional Commission orders addressing the rules adopted in the *CALLS Order*, including a decision by the United

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<sup>1</sup>47 C.F.R. § 1.106.

<sup>2</sup>*Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers*, CC Docket Nos. 96-262 and 94-1, Sixth Report and Order, *Low-Volume Long Distance Users*, CC Docket No. 99-249, Report and Order, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Eleventh Report and Order, 15 FCC Rcd 12962 (2000) (*CALLS Order*), *aff'd in part, rev'd in part, and remanded in part*, *Texas Office of Public Util. Counsel et al. v. FCC*, 265 F.3d 313 (5<sup>th</sup> Cir. 2001), *cert. denied*, *National Association of State Utility Consumer Advocates v. FCC*, 535 U.S. 986 (2002); *on remand*, *Access Charge Reform; Price Cap Performance Review for LECs; Low-Volume Long Distance Users; Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-262, 94-1, 99-249 and 96-45, Order on Remand, 18 FCC Rcd 14976 (2003) (*CALLS Remand Order*).

<sup>3</sup>*See Petitions for Reconsideration and Clarification in Rulemaking Proceedings*, CC Docket Nos. 96-262, 94-1, 99-249, 96-45, Public Notice, Report No. 2430 (rel. Aug. 7, 2000).

<sup>4</sup>*See Access Charge Reform and Price Cap Performance Review for Local Exchange Carriers*, CC Docket Nos. 96-262 and 94-1, Order on Reconsideration, 18 FCC Rcd 12626 (2003) (*CALLS Reconsideration Order*).

<sup>5</sup>*See Withdrawal of Petition for Reconsideration by the Texas Office of Public Utility Counsel*, CC Docket Nos. 96-262, 94-1, 99-249 and 96-45 (filed July 27, 2000).

States Court of Appeals for the Fifth Circuit,<sup>6</sup> an order on remand,<sup>7</sup> and an order on reconsideration.<sup>8</sup> Issues raised in the pending petitions for reconsideration may therefore have become moot or outdated. As a result, it is not clear whether issues arising out of the *CALLS Order*, if any, remain in dispute. In addition, the reform proposal adopted in the *CALLS Order* has reached the end of its five-year term<sup>9</sup> and the Commission is developing a record on comprehensive intercarrier compensation reform in CC Docket No. 01-92<sup>10</sup> and on regulation of special access services in WC Docket No. 05-25.<sup>11</sup> Because the petitions for reconsideration were filed several years ago, the passage of time and intervening developments may have rendered the records developed by those petitions stale.

For these reasons, the Bureau requests that parties that filed petitions for reconsideration of the *CALLS Order* now file a supplemental notice indicating those issues that they still wish to be reconsidered. Petitioners may include with the supplemental notices any new information or arguments they believe to be relevant to deciding *only* those issues that they previously raised in their petitions for reconsideration. The refreshed record will enable the Commission to consider what action may be appropriate in this proceeding.

Parties may file supplemental notices updating their previously filed petitions for reconsideration no later than **30 days after this Public Notice appears in the Federal Register**, with the Secretary, FCC, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554. Oppositions or responses to these filings may be filed with the Secretary, FCC, no later than **45 days after this Public Notice appears in the Federal Register**. All pleadings are to reference **CC Docket Nos. 96-262, 94-1, 99-249, 96-45**. All pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>12</sup> For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service

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<sup>6</sup>*Texas Office of Public Util. Counsel et al. v. FCC*, 265 F.3d 313 (5<sup>th</sup> Cir. 2001), *cert. denied*, *National Association of State Utility Consumer Advocates v. FCC*, 535 U.S. 986 (2002).

<sup>7</sup>*CALLS Remand Order*, 18 FCC Rcd at 14976, para. 1.

<sup>8</sup>*CALLS Reconsideration Order*, 18 FCC Rcd at 12626, para. 1.

<sup>9</sup>*See CALLS Order*, 15 FCC Rcd at 12974, para. 29. We note that, although the CALLS plan has reached the end of its five-year term, the rules adopted under the CALLS plan remain in effect.

<sup>10</sup>*See Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, FCC 05-33 (rel. Mar. 3, 2005).

<sup>11</sup>*See Special Access Rates for Price Cap Local Exchange Carriers, AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Notice of Proposed Rulemaking, 20 FCC Rcd 1994 (2005).

<sup>12</sup>*See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- 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, DC 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 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, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554. Parties should also send a copy of their filings to Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A266, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, or by e-mail to [victoria.goldberg@fcc.gov](mailto:victoria.goldberg@fcc.gov). Parties shall also serve one copy with 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 e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

The original petitions for reconsideration filed by the parties in CC Docket Nos. 96-262, 94-1, 99-249, 96-45 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW., Room CY-A257, Washington, DC 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](mailto:fcc@bcpiweb.com). These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>13</sup> 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.<sup>14</sup> Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.<sup>15</sup>

For further information, contact Victoria Goldberg of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-7353.

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<sup>13</sup> 47 C.F.R. § 1.1200 *et seq.*

<sup>14</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>15</sup> 47 C.F.R. § 1.1206(b).

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