

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

In the Matter of)	
)	
Petition for Declaratory Ruling that VarTec)	
Telecom, Inc. Is Not Required to Pay Access)	
Charges to Southwestern Bell Telephone)	
Company or Other Terminating Local Exchange)	
Carriers When Enhanced Service Providers or)	
Other Carriers Deliver the Calls to Southwestern)	WC Docket No. 05-276
Bell Telephone Company or Other Local)	
Exchange Carriers for Termination)	
)	
Petition for Declaratory Ruling that USA DataNet)	
Corp. is Liable for Originating Access Charges)	
When it Uses Feature Group A Dialing to)	
Originate Long Distance Calls)	

ORDER

Adopted: March 28, 2007

Released: March 28, 2007

By the Associate Chief, Wireline Competition Bureau:

1. On August 20, 2004, VarTec Telecom, Inc. (VarTec) filed a petition for declaratory ruling requesting that the Commission find that it is not required to pay access charges to terminating local exchange carriers (LECs) when enhanced service providers or other carriers deliver calls directly to the terminating LECs.¹ On November 23, 2005, Frontier Telephone of Rochester, Inc. (Frontier) filed a petition for declaratory ruling that USA DataNet (DataNet) and any similarly situated carriers must pay tariffed originating interstate access charges for Feature Group A calls from Frontier's end users.²

2. On June 15, 2006, VarTec submitted a request to withdraw its petition.³ On June 15, 2006, Frontier filed a motion to withdraw its petition without prejudice.⁴ On June 21, 2006, DataNet filed

¹ Petition for Declaratory Ruling that VarTec Telecom, Inc. Is Not Required to Pay Access Charges to Southwestern Bell Telephone Company or Other Terminating Local Exchange Carriers When Enhanced Service Providers or Other Carriers Deliver the Calls to Southwestern Bell Telephone Company or Other Local Exchange Carriers for Termination (files Aug. 20, 2004) (VarTec Petition).

² Petition for Declaratory Ruling that USA DataNet Corp. is Liable for Originating Access Charges When it Uses Feature Group A Dialing to Originate Long Distance Calls (filed Nov. 23, 2005) (Frontier Petition).

³ See Letter from Michael L. Scanlon, Attorney for VarTec, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-276 (filed June 15, 2006).

⁴ Motion of Frontier Communications to Withdraw Petition (filed June 15, 2006) (Frontier Motion).

a motion in support of the Frontier Motion.⁵ We grant VarTec's request to withdraw its petition, and Frontier's motion to withdraw its petition without prejudice.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority in sections 1-4, 201, and 251 of the Communications Act, 47 U.S.C. §§ 151-154, 201, 251, and the authority delegated under sections 0.91, 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the request to withdraw the VarTec Petition for Declaratory Ruling IS GRANTED.

4. IT IS FURTHER ORDERED that, pursuant to the authority in sections 1-4, 201, and 251 of the Communications Act, 47 U.S.C. §§ 151-154, 201, 251, and the authority delegated under sections 0.91, 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the Motion of Frontier Communications to Withdraw Petition IS GRANTED.

5. IT IS FURTHER ORDERED that, pursuant to the authority in sections 1-4, 201, and 251 of the Communications Act, 47 U.S.C. §§ 151-154, 201, 251, and the authority delegated under sections 0.91, 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the Frontier Petition IS WITHDRAWN WITHOUT PREJUDICE.

6. IT IS FURTHER ORDERED that, pursuant to the authority in sections 1-4, 201, and 251 of the Communications Act, 47 U.S.C. §§ 151-154, 201, 251, and the authority delegated under sections 0.91, 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the DataNet Motion IS GRANTED, as set forth herein, and otherwise IS DENIED.

7. IS IF FURTHER ORDERED that, pursuant to the authority delegated under sections 0.91, 0.291 and 1.102 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.102, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Donald K. Stockdale, Jr.
Associate Chief, Wireline Competition Bureau

⁵ Motion in Support of Frontier Communications Motion to Withdraw with Prejudice (filed June 21, 2006) (DataNet Motion). DataNet confirms that its dispute with Frontier was settled and that the instant proceeding is moot, but throughout its motion, mischaracterizes the Frontier Motion as requesting withdrawal of the Frontier Petition with prejudice. *Id.* at 1-2. DataNet provides no explanation for this mischaracterization and no justification for withdrawal of the Frontier Petition with prejudice. We therefore grant the DataNet Motion to the extent it supports the Frontier Motion, and otherwise deny the DataNet Motion to the extent it could be read to request that the Frontier Petition be withdrawn with prejudice.