

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

In the Matter of)	
)	
Access Charge Reform)	CC Docket No. 96-262
)	
Price Cap Performance Review)	CC Docket No. 94-1
)	
Low-Volume Long Distance Users)	CC Docket No. 99-249
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
)	

ORDER

Adopted: July 3, 2007

Released: July 3, 2007

By the Chief of Staff, Wireline Competition Bureau:

1. On May 31, 2000, the Commission adopted comprehensive reforms to the interstate access charge regime and universal service support for price cap carriers, based in part on a proposal submitted by the Coalition for Affordable Local and Long-Distance Services (CALLS).¹ After the Commission released the *CALLS Order*, 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. (Focal), One Call Communications, Inc. (One Call), Pathfinder Communications, Inc., (Pathfinder) and the Texas Office of Public Utility Counsel.² The Commission addressed the petition filed by One Call Communications, Inc. in a subsequent order,³ and the Texas Office of Public Utility Counsel withdrew its petition on July 27, 2000.⁴

2. Since these petitions were filed, there has been a decision by the United States Court of

¹ See *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 (5th 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*).

² 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).

³ 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*).

⁴ 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).

Appeals for the Fifth Circuit,⁵ an order on remand,⁶ and an order on reconsideration.⁷ In addition, the reform proposal adopted in the *CALLS Order* has reached the end of its five-year term⁸ and the Commission is developing a record on comprehensive intercarrier compensation reform in CC Docket No. 01-92⁹ and on regulation of special access services in WC Docket No. 05-25.¹⁰

3. On March 5, 2007, the Wireline Competition Bureau (the Bureau) released a Public Notice inviting interested parties to update the record pertaining to petitions for reconsideration filed with respect to the rules the Commission adopted in the *CALLS Order*.¹¹ The Bureau noted that petitions for reconsideration were filed several years ago and that the passage of time and intervening developments may have rendered the records developed by those petitions stale.¹² Thus, it was not clear whether issues arising out of the *CALLS Order*, if any, remained in dispute.¹³ Accordingly, the Bureau requested that parties that filed petitions for reconsideration of the *CALLS Order* file a supplemental notice indicating those issues that they still wish to be reconsidered.¹⁴

4. On April 5, 2007, COMPTEL and Broadwing Communications, LLC, the successors to ALTS and Focal respectively, withdrew their petition for reconsideration.¹⁵ Thus, the only remaining petition for reconsideration is that filed by Pathfinder. No other notices were received in response to the request to update the record pertaining to petitions for reconsideration. Due to the passage of time, the fact that the *CALLS Order* has reached the end of its term and the Commission is considering comprehensive reform of the access charge regime, and the fact that no other notices to pursue the petition were received, we hereby dismiss the remaining petition as moot.

5. ACCORDINGLY, IT IS ORDERED that, pursuant sections 1-4, 201-209, 218-222, 254, and 403 of the Communications Act, as amended, 47 U.S.C. §§ 151-154, 201-209, 218-222, 254, and 403, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91

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

⁶*CALLS Remand Order*, 18 FCC Rcd at 14976, para. 1.

⁷*CALLS Reconsideration Order*, 18 FCC Rcd at 12626, para. 1.

⁸See *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.

⁹See *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, 20 FCC Rcd 4685 (2005).

¹⁰See *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).

¹¹ See *Parties Asked to Refresh Record Regarding Reconsideration of Rules Adopted in CALLS Order*, CC Docket Nos. 96-262, 94-1, 99-249, 96-45, DA 07-1001 (Wireline Comp. Bur. March 5, 2007), Erratum, (Wireline Comp. Bur. March 6, 2007).

¹² *Id.* at 2.

¹³ *Id.* at 1-2.

¹⁴ *Id.* at 2.

¹⁵ See Letter from Andrew D. Lipman, Counsel to COMPTEL and Broadwing Communications, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket Nos. 96-262, 94-1 (filed April 5, 2007).

and 0.291,¹⁶ the petition for reconsideration filed by Pathfinder Communications, Inc. IS DISMISSED as moot.

6. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

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¹⁶ See 47 U.S.C. § 155(c).