

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

In the Matter of)	
)	
Petition for Declaratory Ruling Regarding)	WC Docket No. 06-122
Wholesale Telecommunications Carriers')	
Obligation to Honor Reseller Customer's Proof of)	
Exemption from Pass-Through Universal Service)	
Fund Charges)	

ORDER

Adopted: November 6, 2007

Released: November 6, 2007

By the Chief, Telecommunications Access Policy Division:

1. In this Order, we dismiss with prejudice a petition for declaratory ruling filed by Oblio Telecom, Inc. (Oblio) on April 16, 2007.¹ On April 16, 2007, Oblio filed a petition for declaratory ruling seeking Commission action regarding the universal service certification process between resellers and their underlying carriers.² In that filing, Oblio made clear that the issue it raised was the subject of arbitration between Oblio and its underlying carrier, AT&T Inc. (AT&T).³

2. On October 18, 2007, Oblio filed a letter withdrawing its petition.⁴ In that letter, Oblio states that on October 12, 2007, AT&T and Oblio reached a mutually acceptable settlement agreement to resolve the matters related to the *Oblio Petition*. Oblio further requests that the *Oblio Petition* be withdrawn with prejudice.⁵ We therefore grant Oblio's request.

¹ Petition of Oblio Telecom, Inc. for a Declaratory Ruling that AT&T's Refusal to Honor Oblio Telecom, Inc.'s Proof of Exemption From Pass-Through USF Charges and Request for Refund of Collected USF Charges Are Unreasonable Practices and Unjustly Discriminatory in Violation of Section 201(b) and 202(a) of the Communications Act, filed Apr. 16, 2007 (redacted version filed May 15, 2007) (*Oblio Petition*).

² *Id.*

³ *Id.* at 11.

⁴ Oblio Telecom, Inc., Withdrawal of Petition for Declaratory Ruling Concerning Wholesale and Resale Telecommunications Carriers' Universal Service Fund Contribution Obligations, CC Docket No. 06-122, filed Oct. 18, 2007 (*Oblio Withdrawal Letter*).

⁵ *Id.*

3. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and pursuant to authority delegated in sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), the *Oblivio Petition* IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Jeremy D. Marcus
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau