



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 09-1788  
Released: August 11, 2009

**PLEADING CYCLE ESTABLISHED FOR PETITION OF OLS, INC.  
AND TELEUNO, INC. FOR DECLARATORY RULING ON APPLICATION  
OF SECTIONS 201(b) AND 203 (c) TO CARRIER PRACTICES AND CHARGES**

**WC Docket No. 09-28**

**COMMENTS DUE: September 1, 2009**  
**REPLY COMMENTS DUE: September 15, 2009**

By this Public Notice, we seek comment on a petition filed by OLS, Inc. (OLS) and TeleUno, Inc. (TeleUno) asking the Commission to issue a declaratory ruling that Global Crossing Bandwidth, Inc.'s (Global Crossing) billing and collection practices are unreasonable and violate sections 201(b) and 203(c) of the Communications Act of 1934.<sup>1</sup> OLS and TeleUno are switchless resellers and have entered into agreements with Global Crossing to purchase network transport and other telecommunications services for resale to its customers.<sup>2</sup> OLS and TeleUno contend that, under this agreement, Global Crossing demands payment of disputed amounts, and incorrectly imposes minimum monthly usage charges.<sup>3</sup> OLS and TeleUno argue that a Commission ruling on this petition is "essential to the resolution of the application of section 201(b) and 203(c) to the practices of underlying carriers in their dealings with their resale carrier customers."<sup>4</sup>

Interested parties may file comments on the petition on or before **September 1, 2009** and reply comments on or before **September 15, 2009**. Filings in this proceeding should be captioned "In the

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<sup>1</sup> OLS, Inc. and TeleUno, Inc., Petition for Declaratory Ruling on Application of Sections 201(b) and 203(c) to Carrier Practices and Charges, WC Docket No. 09-28, at 2 (filed Sept. 19, 2008).

<sup>2</sup> *Id.* at 4.

<sup>3</sup> *Id.* at 9.

<sup>4</sup> *Id.* at 10. We note that before this Public Notice was released, Global Crossing filed a response to OLS and TeleUno's petition and OLS and TeleUno filed a reply to Global Crossing's response. See Letter from Joan M. Griffen, Counsel to Global Crossing Bandwidth, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-28 (filed Sept. 29, 2008); Letter from Charles H. Helein, Counsel to OLS, Inc. and TeleUno, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-28 (filed Oct. 3, 2008). In addition, on April 9, 2009, OLS and TeleUno filed a Petition for Expedited Declaratory Ruling, "to compel action by the Federal Communications Commission, as required by the Administrative Procedures Act, 5 U.S.C. §555(b)," requesting that the Commission put the petition on Public Notice and take action in a timely manner. See OLS, Inc. and TeleUno, Inc., Petition for Expedited Declaratory Ruling Regarding Application of Sections 201(b) and 203(c) to Underlying Carrier's Practices and Charges, WC Docket No. 09-28 (filed Apr. 9, 2009) (Expedited Petition).

Matter of Petition of OLS, Inc. and TeleUno, Inc. for Declaratory Ruling on Application of Sections 201(b) and 203(c) to Carrier Practices and Charges” and filed in WC Docket No. 09-28.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Pamela Arluk, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A266, Washington, DC 20554 or via e-mail at [pamela.arluk@fcc.gov](mailto:pamela.arluk@fcc.gov). One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - 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 <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** 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, filers must submit two additional copies for each additional docket or rulemaking number.  
**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, Marlene H. Dortch, 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 a.m. to 7 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.

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).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the petition for declaratory ruling. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</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>6</sup> 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.<sup>7</sup>

For further information, contact Pamela Arluk of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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<sup>5</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>6</sup> See 47 C.F.R. § 1.1206(b).

<sup>7</sup> 47 C.F.R. § 1.1206(b).