



# PUBLIC NOTICE

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

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DA 09-467  
Released: February 25, 2009

**PLEADING CYCLE ESTABLISHED FOR PETITION OF BLUE CASA  
COMMUNICATIONS, INC. FOR DECLARATORY RULING CONCERNING  
INTERCARRIER COMPENSATION FOR ISP-BOUND VNXX TRAFFIC**

**WC Docket No. 09-8**

**COMMENTS DUE: March 12, 2009**

**REPLY COMMENTS DUE: March 23, 2009**

By this Public Notice, we seek comment on a petition filed by Blue Casa Communications, Inc. (Blue Casa) asking the Commission to issue a declaratory ruling that originating interstate switched access charges apply to calls bound for Internet service providers (ISPs) that are delivered via Virtual NXX (VNXX) arrangements.<sup>1</sup> Blue Casa contends that ISP-bound VNXX traffic is subject to originating access charges under pre-existing Commission policy and that, accordingly, such traffic is “carved out” pursuant to section 251(g) from the scope of traffic covered by section 251(b)(5) of the Communications Act, as amended.<sup>2</sup> Thus, Blue Casa seeks a ruling that “pursuant to the carve-out provisions of 47 U.S.C. § 251(g), originating interstate switched access charges, not reciprocal compensation charges, apply to calls bound for ISPs that are delivered via VNXX-type foreign exchange arrangements.”<sup>3</sup> Blue Casa seeks this relief “to resolve actual, on-going controversies with other competitive telecommunications carriers over their respective liability for invoiced originating access charges and reciprocal compensation charges.”<sup>4</sup>

Interested parties may file comments on the petition on or before **March 12, 2009** and reply comments on or before **March 23, 2009**. Filings in this proceeding should be captioned “In the Matter of Petition of Blue Casa Communications, Inc. for Declaratory Ruling Concerning Intercarrier Compensation for ISP-Bound VNXX Traffic” and filed in WC Docket No. 09-8.

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

<sup>1</sup> Blue Casa Communications, Petition for Declaratory Ruling That, Pursuant to the Carve-Out Provisions of 47 U.S.C. § 251(g), Interstate Originating Switched Access Charges, Not Reciprocal Compensation Charges, Apply to ISP-Bound Calls That Are Terminated via VNXX-type Foreign Exchange Arrangements, WC Docket No. 09-8, at 1, 7 (filed Dec. 19, 2008) (Blue Casa VNXX Petition).

<sup>2</sup> *Id.* at 4–7; *see also* 47 U.S.C. §§ 251(b)(5), 251(g).

<sup>3</sup> Blue Casa VNXX Petition at 7.

<sup>4</sup> *Id.* at 1.

20554. Two courtesy copies must be delivered to Victoria Goldberg, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A266, Washington, DC 20554 or via e-mail at [victoria.goldberg@fcc.gov](mailto:victoria.goldberg@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 Victoria Goldberg 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).