



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS SOUGHT ON AT&T PETITION FOR WAIVER OF SECTION 61.42(g) OF THE COMMISSION'S RULES

WCB/Pricing File No. 09-05

COMMENTS DUE: May 14, 2009
REPLY COMMENTS DUE: May 26, 2009

By this Public Notice, we seek comment on a petition filed March 31, 2009 by AT&T Services Inc., on behalf of the Pacific Bell Telephone Company, Southwestern Bell Telephone Company, The Ameritech Operating Companies, The Southern New England Telephone Company, and Nevada Bell Telephone Company (collectively "AT&T"). AT&T requests a limited waiver of section 61.42(g) of the Commission's rules so that it may exclude True IP to PSTN ("TIPToP") service from any price cap basket in the upcoming 2009 annual access tariff filing.¹ AT&T explains that TIPToP is a service that provides Internet Protocol Voice Information Service (IP-VIS) providers with connectivity between the IP-VIS provider's network and the AT&T network.² In support of its petition, AT&T states that "TIPToP is an innovative service that provides both switching and trunking elements . . . [and] does not fit squarely within either the traffic sensitive or the trunking [price cap] basket."³ AT&T also asserts that it "has only one customer for the service, which is an affiliate."⁴ AT&T requests expedited treatment of its petition.⁵

Interested parties may file comments on or before **May 14, 2009**, and reply comments on or before **May 26, 2009**. When filing comments, please reference **WCB/Pricing File No. 09-05**. Parties filing pleadings are encouraged to use the Electronic Tariff Filing System (ETFS) in order to facilitate access to these documents. Parties filing paper copies must file an original and four (4) copies of each filing. 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).

¹ AT&T Inc. Petition for Waiver of Section 61.42(g) of the Commission's Rules and Request for Expedited Treatment, WCB/Pricing File No. 09-05, at 1-2 (filed March 31, 2009) (AT&T Waiver Petition); *see also* 47 C.F.R. § 61.42(g). A copy of the petition is available on the Commission's Electronic Tariff Filing System (ETFS).

² AT&T Waiver Petition at 1.

³ *Id.* at 3.

⁴ *Id.*

⁵ *Id.* at 1.

- The Commission’s contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 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 12th Street, SW, Washington DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A266, 445 12th Street, SW, Washington, DC 20554, or by e-mail to Victoria.Goldberg@fcc.gov. Parties shall also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, facsimile (202) 488-5563, via e-mail to fcc@bcpiweb.com, or via its website at <http://www.bcpiweb.com>. Documents in this proceeding are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554, and will be placed on the Commission’s Internet site.

Accessible formats (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau, at (202) 418-0531, TTY (202) 418-7365, or at fcc504@fcc.gov.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ 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.⁷ Other requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b) of the Commission’s rules.⁸

For further information, contact Victoria Goldberg of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-7353.

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⁶ 47 C.F.R. §§ 1.1200, 1.1206.

⁷ 47 C.F.R. § 1.1206(b).

⁸ *Id.*