



PUBLIC NOTICE

Federal Communications Commission
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PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PAC-WEST TELECOMM, INC. AND VERIZON PETITIONS FOR DECLARATORY RULING

WC Docket No. 11-115

Comment Date: August 8, 2011
Reply Comment Date: August 23, 2011

The Wireline Competition Bureau seeks comment on petitions filed on June 28, 2011, by Pac-West Telecomm, Inc. (Pac-West) and Verizon seeking declaratory rulings arising from a primary jurisdiction referral from the United States District Court for the Eastern District of California.¹ Pac-West “seeks a declaration that, based on the Commission’s existing rules, an interexchange carrier (‘IXC’) is required to pay a LEC’s tariffed access charges when a LEC performs the necessary database query services, the query identifies a particular IXC as the intended recipient, and the LEC delivers a toll-free (or ‘8YY’) call to the responsible IXC (or an intermediate LEC with which the IXC is directly interconnected), regardless of whether the call was initiated as Voice-over-IP (‘VoIP’) or Time Division Multiplexing (‘TDM’) format.”² Verizon requests that the Commission “declare that Pac-West’s federal switched access tariff, as in effect during the period at issue in the federal court litigation (July 2008 to the present), is patently unlawful and, therefore, void *ab initio*.”³ Verizon asserts that “[t]hat ruling would effectively end the federal court litigation . . . without the need for the Commission to address any of the other issues the federal district court referred.”⁴

Interested parties may file **comments on or before August 8, 2011**, and **reply comments on or before August 23, 2011**. All pleadings are to reference **WC Docket No. 11-115**.

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, D.C. 20554. Two courtesy copies must be delivered to Belinda Nixon, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to Belinda.Nixon@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, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

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

¹ See Petition of Pac-West Telecom, Inc. for Declaratory Ruling Regarding Access Charges Assessed on VoIP-Initiated Access Traffic, WC Docket No. 11-115 (filed June 28, 2011) (Pac-West Petition); Petition for Declaratory Ruling, WC Docket No. 11-115 (filed June 28, 2011) (Verizon Petition).

² Pac-West Petition at 1-2.

³ Verizon Petition at 3.

⁴ *Id.*

- 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 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.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8 a.m. to 7 p.m.
- 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, D.C. 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 or call the Consumer and 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, D.C. 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, D.C., 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ Persons making oral *ex parte* presentations are reminded that memoranda

⁵ See 47 C.F.R. §§ 1.1200, 1.1206.

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.⁶ 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.⁷

For further information, contact Belinda Nixon of the Pricing Policy Division, Wireline Competition Bureau, 202-418-1520, Belinda.Nixon@fcc.gov.

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⁶ See 47 C.F.R. § 1.1206(b).

⁷ See *id.*