



PUBLIC NOTICE

Federal Communications Commission
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DA 11-1561
September 20, 2011

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON VAYA TELECOM PETITION FOR DECLARATORY RULING REGARDING LEC-TO-LEC VOIP TRAFFIC EXCHANGES

CC Docket No. 01-92

COMMENTS DUE: October 6, 2011

On August 26, 2011, Vaya Telecom, Inc. (Vaya) filed a petition for declaratory ruling regarding the application of intrastate access charges to voice over Internet protocol (VoIP)-originated calls that are sent to local exchange carriers' (LECs') customers for termination.¹ Specifically, Vaya seeks a declaration that, "a LEC's attempt to collect intrastate access charges on LEC-to-LEC VoIP traffic exchanges is an unlawful practice."² Vaya asserts that "[c]onsistent with the Commission's treatment of ISP [Internet service provider]-bound traffic, this LEC-to-LEC, jurisdictionally interstate traffic exchange is subject to section 251(b) of the Telecommunications Act, and not the separate intrastate access charge regimes of the states."³

Interested parties may file comments on the Vaya Petition for Declaratory Ruling on or before **October 6, 2011**. Since the issue raised in Vaya's petition, the treatment of VoIP for purposes of intercarrier compensation, is an issue that the Commission is already considering in CC Docket No. 01-92, 30 days are not required for interested parties to give full consideration to the issues in the petition.⁴ For the same reason, we conclude that no reply comment period is necessary.⁵ Filings in this proceeding should be captioned "Petition of Vaya Telecom, Inc. For Declaratory Ruling Regarding LEC-to-LEC VoIP Traffic Exchanges" and filed in CC Docket No. 01-92.

¹ Petition of Vaya Telecom, Inc. Regarding LEC-to-LEC VoIP Traffic Exchanges (filed Aug. 26, 2011) (Petition).

² *Id.* at 1.

³ *Id.*

⁴ *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up*, CC Docket Nos. 96-45, 01-92; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 26 FCC Rcd 4554, 4744-4751, paras. 608-620 (2011) (*USF/ICC Transformation NPRM*).

⁵ See 47 C.F.R. § 1.2 (which establishes a default cycle of 30 days for filing comments and 15 days for reply comments).

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 Amy Goodman, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to amy.goodman@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.

- 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.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 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.⁸

For further information, contact Amy Goodman of the Pricing Policy Division, Wireline Competition Bureau, 202-418-1520, amy.goodman@fcc.gov.

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⁶ See 47 C.F.R. §§ 1.1200, 1.1206.

⁷ See 47 C.F.R. § 1.1206(b).

⁸ See *id.*