



# PUBLIC NOTICE

Federal Communications Commission  
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DA 16-1239

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## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON AT&T'S PETITION FOR FORBEARANCE FROM CERTAIN TARIFFING RULES

WC Docket No. 16-363

**Comments or Oppositions Due: December 2, 2016**  
**Reply Comments Due: December 19, 2016**

On September 30, 2016, AT&T Services, Inc. (AT&T) filed a petition<sup>1</sup> pursuant to Section 10 of the Communications Act of 1934, as amended,<sup>2</sup> requesting that the Commission forbear “from the tariffing requirements of the Act and its rules as to all tandem switching and tandem-switched transport charges on all traffic to or from [incumbent local exchange carriers (LECs)] engaged in access stimulation.”<sup>3</sup> The petition also asks that the Commission forbear from enforcing “all of its rules that allow LECs to tariff a charge billed to [interexchange carriers (IXCs)] for toll-free database queries.”<sup>4</sup> Finally, the petition also urges the Commission to “promptly issue new rules to address the remaining inefficiencies and arbitrage activities in its hybrid intercarrier compensation system.”<sup>5</sup> Specifically, AT&T seeks forbearance from 47 U.S.C. § 203, 47 C.F.R. §§ 51.901 *et seq.*, 51.913, 61.1, 61.26, 61.47, 69.1 *et seq.*, 69.108, 69.111, 69.118 *et seq.* and requirements from related Commission Orders, “including, but not limited to *In re Provision of Access for 800 Service*, 8 FCC Rcd 907 (1993).”<sup>6</sup> In support of its petition, AT&T argues that forbearance is appropriate under the statute because (1) the tariffing of transport and tandem charges is not just and reasonable, (2) LECs have continued to engage in access stimulation by billing inflated transport charges that are not subject to bill-and-keep, and (3) LECs lack the incentive to provide database queries to IXCs at market-based prices.

Interested parties may file comments or oppositions to the AT&T Petition on or before **December 2, 2016** and reply comments on or before **December 19, 2016**. Comments and oppositions should reference WC Docket No. 16-363, and may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>1</sup> AT&T Services, Inc., Petition of AT&T Services, Inc. for Forbearance Under 47 U.S.C. § 160(c), WC Docket No. 16-363 (filed Sept. 30, 2016) (Petition).

<sup>2</sup> See 47 U.S.C. § 160.

<sup>3</sup> Petition at 13.

<sup>4</sup> *Id.* at 20.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> See *id.* at Appx. A.

- Electronic Filers: Comments and oppositions may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, 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 Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 must be addressed to 445 12th 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) or (202) 418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Gregory Capobianco, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-0808 or via e-mail at [gregory.capobinaco@fcc.gov](mailto:gregory.capobinaco@fcc.gov).

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<sup>7</sup> 47 CFR § 1.1200 *et seq.*