

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
TSR WIRELESS, LLC, <i>et al.</i> ,)	
)	File Nos. E-98-13, E-98-17, E-98-18
Complainants,)	
)	
v.)	
)	
U S WEST COMMUNICATIONS, INC. <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON RECONSIDERATION

Adopted: May 18, 2001

Released: May 22, 2001

By the Commission:

1. In this Order on Reconsideration, we deny the Petition for Reconsideration or Clarification of our Memorandum Opinion and Order in this proceeding,¹ filed by Small Business In Telecommunications (“SBT”). SBT, which describes itself as representing “hundreds of paging companies, two-way shops, radio dealers, SMR operators, community repeater operators” and other entities,² challenges our finding in the *Order* that CMRS carriers, including paging carriers, must pay Local Exchange Carriers (“LECs”) for “transiting” traffic, that is, traffic originating from a carrier other than the interconnecting LEC and carried over the LEC’s network to the CMRS carrier’s network.³

2. SBT was not a party to the underlying proceeding.⁴ As a non-party, therefore, to seek reconsideration of the *Order* SBT must “state with particularity the manner in which ... [its] interests are adversely affected by the action taken, and ... show good reason why it was not possible ... to participate

¹ *TSR Wireless, LLC et al. v. U S West Communications, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 11166 (2000) (“*Order*”), *petition for review docketed sub. nom. Qwest Corp. v. FCC*, Nos. 00-1376 *et al.* (D.C. Cir. 2001). The appeal raises different issues than presented in SBT’s Petition for Reconsideration or Clarification.

² SBT Petition for Reconsideration or Clarification, *TSR Wireless, LLC, et al. v. U S West Communications, Inc., et al.*, File Nos. E-98-13 *et al.*, at 1 (filed July 21, 2000) (“*Petition*”).

³ *Order*, 15 FCC Rcd at 11177, ¶ 19 n.70.

⁴ None of the parties to the consolidated cases in this proceeding has petitioned for reconsideration of the *Order*. Complainants, TSR Wireless, LLC and Metrcall, Inc., did not participate in the proceeding upon reconsideration. Defendants, Pacific Bell Telephone Co. and Southwestern Bell Telephone Co. (now merged into SBC Telecommunications, Inc. (“SBC”)), U S West Communications, Inc. (now known as Qwest Communications International, Inc.), and GTE Telephone Operations (now known as Verizon), opposed SBT’s petition.

in the earlier stages of the proceeding.”⁵ SBT falls far short of this standard. Rather than stating “with particularity how its interests are adversely affected” by the *Order*, SBT merely describes its membership. Moreover, SBT simply does not address our requirement that non-parties explain why they could not participate in the proceeding at an earlier stage. In light of SBT’s noncompliance with our rule, we dismiss SBT’s petition.

3. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 405, that SBT’s Petition for Reconsideration or Clarification IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

⁵ 47 C.F.R. § 1.106(b).