

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 96-341

In the Matter of)
)
Competition in the Interstate) CC Docket No. 90-132
Interexchange Marketplace)
)
)
)

ORDER

Adopted: August 12, 1996

Released: August 20, 1996

By the Commission:

1. In the Interexchange Proceeding,¹ the Commission adopted certain 800 and inbound service bundling restrictions, including a "fresh look" requirement permitting AT&T Corp. (AT&T) customers with Tariff 12 packages that included inbound service to terminate service without termination liability within 90 days of the time 800 numbers became portable. AT&T filed a petition for a declaratory ruling, asking us to extend the 800 and inbound service bundling restrictions adopted in the Interexchange Proceeding, including the fresh look requirement, to all interexchange carriers. In the Interexchange Order,² we found that the rationale used to justify the 800 and inbound service bundling restrictions did not extend to other interexchange carriers and denied AT&T's petition.

2. In May 1993, AT&T filed a petition for judicial review of the Interexchange Order insofar as it affirmed the Commission's fresh look policy. Because the fresh look period expired in July 1993, and was not extended by the Commission,³ AT&T subsequently filed a motion asking the court to dismiss its petition for review and to vacate the

¹ See generally Competition in the Interstate Interexchange Marketplace, *Notice of Proposed Rulemaking*, CC Docket No. 90-132, 5 FCC Rcd 2627 (1990); *Report and Order*, 6 FCC Rcd 5880 (1991); *Order*, CC Docket No. 90-132, 6 FCC Rcd 7255 (Com. Car. Bur. 1991); *Memorandum Opinion and Order*, 6 FCC Rcd 7569 (1991); *Memorandum Opinion and Order on Reconsideration*, 7 FCC Rcd 2677 (1992).

² See Competition in the Interstate Interexchange Marketplace, *Memorandum Opinion and Order on Reconsideration*, CC Docket No. 90-132, 8 FCC Rcd 2659 (1993) (*Interexchange Order*).

³ Petitions for Modification of Fresh Look Policy, *Memorandum Opinion and Order*, 8 FCC Rcd 5046 (1993).

Interexchange Order as moot. On April 19, 1994, the court granted the motion to dismiss and remanded the proceeding to the Commission with instructions to vacate the Interexchange Order.⁴

3. Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), that the underlying agency order, *Interexchange Order*, 8 FCC Rcd 2659 (1993), IS VACATED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

⁴ *AT&T v. FCC*, No. 93-1306, 1994 WL 191483 (D.C. Cir. 1994) (per curiam).