

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

In the Matter of)
Implementation of the Pay telephone)
Reclassification and Compensation Provisions of)
the Telecommunications Act of 1996)
Petition of the Payphone Association of Ohio to) CC Docket No. 96-128
Pre-empt the Actions of the State of Ohio)
Refusing to Implement the FCC's Payphone)
Orders, Including the Refund of Overcharges to)
Payphone Providers in Ohio, and for a Declaratory)
Ruling)

ORDER

Adopted: February 9, 2007

Released: February 9, 2007

Revised Reply Comments Date: February 19, 2007

By the Chief, Wireline Competition Bureau:

1. On December 28, 2006, the Payphone Association of Ohio (PAO) filed a petition for declaratory ruling and preemption asking the Commission to: establish the rights of PAO members to refunds of payphone access line rate overcharges dating back to April 15, 1997; preempt the actions of the Public Utilities Commission of Ohio (PUCO), which PAO alleges are inconsistent with this Commission's regulations and the new services test and; order SBC-Ohio to disgorge itself of dial-around compensation collected pursuant to section 276 of the Act and the FCC's rules and orders promulgated under it.1 On January 12, 2007, the Commission established a pleading cycle for comments on the Ohio Petition.2

2. On February 8, 2007, the PAO filed a Motion for Extension of Time requesting an extension of the reply comment cycle for the Ohio Petition.3 In support of its Motion, the PAO explains that AT&T filed its comments four days after the comment deadline, and did not serve the comments on

1 Payphone Association of Ohio Petition to Preempt the Actions of the State of Ohio Refusing to Implement the FCC's Payphone Orders, Including the Refund of Overcharges to Payphone Providers in Ohio and for a Declaratory Ruling, CC Docket No. 96-128 (filed Dec. 28, 2006) (Ohio Petition).

2 Comments Sought on Payphone Association of Ohio Petition to Pre-empt the Actions of the State of Ohio, and for a Declaratory Ruling; Pleading Cycle Established, CC Docket No. 96-128, DA 07-70 (WCB rel. Jan. 12, 2007) (Public Notice).

3 Consent Motion of the Payphone Association of Ohio for Extension of Time to Reply to the Comments filed by Each of AT&T, Inc. and the Public Utility Commission of Ohio, CC Docket No. 96-128 (filed Feb. 8, 2007) (Motion).

the correct attorney, which further delayed PAO's receipt of the comments.⁴ In addition, PUCO filed comments electronically, but the comments contained language indicating that it was a draft document for staff discussion only, which caused considerable confusion as to whether the comments filed were the correct document.⁵ The Motion requests that the Commission extend the time for reply comments by 7 days to February 19, 2007.⁶ PAO states in its motion that it has contacted counsel to AT&T and PUCO and obtained their consent to the requested extension.

3. We agree that providing additional time to file reply comments will facilitate the development of a more accurate and complete record in this proceeding. We note that it is the policy of the Commission that extensions of time shall not be routinely granted.⁷ Given the delay in the filing of AT&T's initial comments and the failure in service of those comments, the confusion surrounding PUCO's initial comments, and the resulting abbreviated period within which to prepare responsive comments, however, we find that good cause exists to provide all parties an extension of time, from February 12, 2007 to February 19, 2007 for filing reply comments in this proceeding.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the pleading cycle established in this matter shall be modified as follows:

Reply Comments Due: February 19, 2007

All other filing procedures remain unchanged from those previously established in this proceeding.⁸

5. IT IS FURTHER ORDERED that the Motion of the Payphone Association of Ohio for Extension of Time is GRANTED, as set forth herein.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief, Wireline Competition Bureau

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

⁷ 47 C.F.R. § 1.46(a).

⁸ *See* Public Notice at 1-2.