

Total Annual Cost: Not applicable.
Privacy Act Impact Assessment: Not applicable.

Needs and Uses: Congress directed the Commission to implement a new set of universal service support mechanisms that are explicit and sufficient to advance the universal service principles enumerated in 47 U.S.C. 254 and other such principles as the Commission believes are necessary and appropriate for the protection of the public interest, convenience and necessity, and are consistent with the Act. Part 54 promulgates the rules and requirements to preserve and advance universal service. The Commission will be submitting this information collection to the OMB as an extension (no change in requirements) in order to obtain the full three year clearance.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 04-9880 Filed 4-29-04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[CCB/CPD File No. 98-30; DA 04-943]

Parties Asked To Update Record Regarding Petition for Declaratory Ruling on Interexchange Carrier "Rounding-Up" Practices

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Commission invites interested parties to update the record pertaining to the petition for declaratory ruling filed by Connie L. Smith (Petitioner) on March 30, 1998. Because the district court has dismissed the underlying litigation, it appears that there no longer is any need for the Commission to respond to the primary jurisdiction referral. The Commission's Wireline Competition Bureau requests, therefore, that interested parties now file a supplemental notice indicating if there are issues that they still wish to be considered. To the extent parties do not indicate an intent to pursue the issues delineated in the petition for declaratory ruling, the Commission will deem the petition withdrawn and will dismiss it.

DATES: Comments are due on or before June 1, 2004, and reply comments are due on or before June 14, 2004.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. See

SUPPLEMENTARY INFORMATION for filing instructions.

FOR FURTHER INFORMATION CONTACT: David Hu, Attorney-Advisor, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or via the Internet at david.hu@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, CCB/CPD File No. 98-30, released on April 2, 2004. This is a non-docketed proceeding. Therefore, interested parties must file pleadings by paper because electronic filing on the Commission's Electronic Comment Filing System (ECFS) is not available in non-docketed proceedings. When filing comments and reply comments, parties should reference CCB/CPD File No. 98-30, and conform to the filing procedures contained in the Notice. Parties must file an original and four copies 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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Suite TW-A325, Washington, DC 20554. Two (2) copies of the comments and reply comments should also be sent to Steve Morris, Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW., Room 5-A121, Washington, DC 20554. Parties shall also serve one copy with Quallex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 863-2893, or via e-mail to qualexint@aol.com. The original petition for declaratory ruling filed in CCB/CPD File No. 98-30 is available for public inspection and copying during business hours at the FCC Reference

Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The document may also be purchased from Quallex International, telephone (202) 863-2893, facsimile (202) 863-2898.

Synopsis

1. The Petitioner asked for a declaratory ruling that Sprint Communications Company, L.P. (Sprint) violated the Communications Act by failing to expressly disclose its alleged "rounding-up" practices in its tariff filed with this Commission and/or that Sprint has otherwise failed to adequately disclose its billing practices. The petition stems from a federal district court class action brought by Petitioner against Sprint on June 5, 1996 in the United States District Court for the Northern District of California. Petitioner's complaint in the court proceeding accused Sprint of rounding-up the length of telephone calls to the next full minute, thus billing its customers for an entire minute even when only a fraction of a minute is actually used, without disclosing this practice in its marketing materials, advertisements, phone bills or general business correspondence. The Petitioner asserted that the alleged practice constitutes a cause of action under common law and California law.

2. In its September 13, 1996 decision, the district court dismissed all of the claims presented by the Petitioner except for the claims for injunctive relief under the Consumers Legal Remedies Act and California Civil Code with respect to interstate long-distance service. Specifically, the Petitioner claimed that Sprint engaged in false advertising and unlawful business practices under state law by filing a tariff with the Commission for its interstate residential long-distance service without expressly disclosing that it rounds up to the next full minute. The court found that the Communications Act requires disclosure of carrier billing practices in filed tariffs but was unable to determine whether Sprint's tariff adequately disclosed its billing practices. The court concluded that whether Sprint should have expressly stated in its tariff that it rounds up is a question the Commission would need to address in light of its regulations under the Communications Act. Therefore, relying on the doctrine of primary jurisdiction, the court stayed a decision on Petitioner's claims with respect to interstate residential long-distance service pending referral of the disclosure issue to the Commission. Petitioner subsequently filed the petition for declaratory ruling with the

Commission on March 30, 1998 and on May 18, 1998, the Bureau issued a public notice seeking comment on the petition.

3. In a decision issued on December 27, 1999, the district court dismissed Petitioner's case in its entirety for lack of subject matter jurisdiction. The court found that Petitioner's claims arose under state law, not federal law, and that the case should have been brought in state court. Based on this finding, the court stated that there was no longer any point in staying the case.

4. Because the court has dismissed the underlying litigation, it appears that there no longer is any need for the Commission to respond to the primary jurisdiction referral. Similarly, the question raised by the petition for declaratory ruling, *i.e.*, what constitutes proper disclosure under section 203 of the Communications Act, may have become moot or irrelevant. Because the Petitioner does not appear to have pursued the matter further before the Commission since the court dismissed the litigation, it is not clear if there are any outstanding issues for the Commission to address.

5. For these reasons, the Bureau requests that interested parties now file a supplemental notice indicating those issues that they still wish to be considered. In addition, parties may refresh the record with any new information or arguments that they believe to be relevant to deciding such issues. To the extent parties do not indicate an intent to pursue the issues delineated in the petition for declaratory ruling, the Commission will deem the petition withdrawn and will dismiss it.

Federal Communications Commission.

Steve Morris,

Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau.

[FR Doc. 04-9883 Filed 4-29-04; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 04-36; DA 04-1051]

FCC Announces Agenda for May 7, 2004 "Solutions Summit" on Disability Access Issues Associated With Internet-Protocol Based Communications Services

AGENCY: Federal Communications Commission.

ACTION: Announcement of meeting.

SUMMARY: This document invites interested persons to a Solutions Summit on Friday, May 7, 2004. The

Solutions Summit is the second in a series where government, industry leaders and stakeholders can discuss creative ways to address policy issues that arise as communications services move to Internet-Protocol based platforms. This meeting will focus on the ways persons with disabilities access services increasingly based upon IP technologies.

DATES: The Solutions Summit will be held on Friday, May 7, 2004 from 9 a.m. to 1 p.m. in the Commission Meeting Room, Room TW-C305.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For more information about the Solutions Summit, please contact Kelly Jones at (202) 418-7078 (voice), (202) 418-1169 (TTY), or Kelly.Jones@fcc.gov (E-mail).

SUPPLEMENTARY INFORMATION: This second meeting will focus on accessibility of persons with disabilities, and on the particular challenges and opportunities created for persons with disabilities. The agenda for this second Solutions Summit is as follows:

9 a.m.-9:30 a.m.—Opening Remarks

9:30 a.m.-10:30 a.m.—Panel I:

Opportunities of IP-Enabled Services

10:30 a.m.-10:45 a.m.—Break

10:45 a.m.-11:45 a.m.—Panel II:

Challenges of IP-Enabled Services for Persons with Disabilities

11:45 a.m.-Noon—Break

Noon-1 p.m.—Panel III: Regulatory

Impact on IP-Enabled Services and Accessibility for Persons with Disabilities

Participants will include members of the disability community, industry representatives, and FCC staff.

Facilities

The FCC is located at 445 12th Street, SW., Washington, DC 20554. Directions and a map of the streets near the FCC are available at <http://www.fcc.gov/portalsmap.html>. The Commission Meeting Room is equipped with a Wi-Fi Internet network, an assistive listening device system, and is accessible to persons with disabilities.

Security

Please note that the FCC is a federal building with security. All attendees will be required to pass through security and present a government-issued form of identification. The FCC's Commission Meeting Room will be opened early to facilitate access to the building; attendees are encouraged to allocate additional time to enter the building.

Webcast and Video

The Solutions Summit will be webcast live and also archived for later viewing. Access to and additional information concerning the webcast is available at <http://www.fcc.gov/realaudio/>. Open captioning will be provided for the webcast.

Reasonable Accommodations

Open captioning and sign language interpreters will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible. Last minute requests will be accepted, but may not be possible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau: For reasonable accommodations: (202) 418-0530 (voice), (202) 418-0432 (TTY). For accessible format materials (Braille, large print, electronic files, and audio format): (202) 418-0531 (voice), 202-418-7365 (TTY).

Pre-Registration

The hearing is open to the public, and seating will be available on a first-come, first served basis. The FCC is recommending that attendees submit a pre-registration form. Pre-registration is encouraged, but not required. The pre-registration form is located at: <http://www.fcc.gov/voip/>. To pre-register by April 30, 2004, complete the form and send to Kelly Jones at Kelly.Jones@fcc.gov, or fax to (202) 418-2345.

More Information

For additional information on Internet-Protocol enabled services, please visit the Web site at: <http://www.fcc.gov/voip/>. For questions about WC Docket No. 04-36, contact Robert Pepper, Chief of Policy Development, at (202) 418-2030 (voice), or Robert.Pepper@fcc.gov (E-mail), or Jeff Carlisle, Senior Deputy Chief, Wireline Competition Bureau, at (202) 418-1500 (voice) or Jeffrey.Carlisle@fcc.gov (E-mail).

Federal Communications Commission.

P. June Taylor,

Chief of Staff, Consumer and Governmental Affairs Bureau.

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