

FEDERAL COMMUNICATIONS COMMISSION

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

PUBLIC NOTICE

PLEADING CYCLE ESTABLISHED ON AT&T'S
PETITION FOR RECONSIDERATION
AND CLARIFICATION

CCBPol 95-23

Released: November 28, 1995

On November 20, 1995, AT&T Corp. (AT&T) petitioned the Common Carrier Bureau (Bureau) for reconsideration and clarification of the Bureau's decision on the Independent Data Communications Manufacturers Association, Inc.'s Petition for Declaratory Ruling that AT&T's InterSpan Frame Relay Service is a Basic Service (*See*) MO&O, DA 95-2190 (released October 18, 1995).

AT&T requests that the Bureau reconsider its MO&O and, upon reconsideration: (1) rule that frame relay service is being provided on a private carriage basis, or, in the alternative, can be provided on both a common carriage basis and -- as to customer agreements which contain terms and conditions that fall outside of the carriers' tariffed frame relay service -- as private carriage; (2) deem those customer agreements for frame relay services which were executed prior to the tariffing date to be private carriage; and (3) clarify that, to the extent non-facilities-based carriers provide a resold "basic" frame relay service, they are equally required, under Section 203 of the Communications Act, to file tariffs for the provision of such service.

AT&T states that it is offering frame relay service in a manner that clearly satisfies the Commission's private carriage test. AT&T states that specifically, frame relay service is being offered by carriers that do not hold themselves out indiscriminately to the public, and is being provided on an individual basis under highly customized agreements. AT&T further states that AT&T and its competitors decide whether, and on what terms, to deal with their customers.

Interested parties should file comments on IDCMA's petition by **December 28, 1995** and reply comments by **January 12, 1996** with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. A copy should also be sent to Janice Myles, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, and to the Commission's contractor for public service records duplication: ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Parties filing comments in this non-docketed proceeding should include the Policy Division internal reference number, **CCBPol 95-23**, on their pleadings. AT&T's petition is available for inspection and copying in the Industry Analysis Division reference room, Common Carrier Bureau, Room 533, 1919 M Street, N.W., Washington, D.C. 20554. Copies of these filings can be obtained from ITS, Inc. at (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. For further information contact Janice Myles, Policy and Program Planning Division of the Common Carrier Bureau, at (202) 418-1577.