

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

In the Matter of)
)
BellSouth Telecommunications, Inc.)
Tariff FCC No. 1)
Transmittal No. 629) **WCB/Pricing No. 02-15**
)

MOTION OF AT&T CORP.
FOR WAIVER OF 47 C.F.R. § 1.115 FILING TIME LIMIT

Pursuant to Section 1.3 of the Commission’s rules, AT&T Corp. (“AT&T”) respectfully submits this motion for waiver of the 30 day period for filing an application for review of action taken pursuant to delegated authority, 47 C.F.R. § 1.115, and acceptance of AT&T’s Application for Review (“Application”) in the above-captioned proceeding. AT&T’s Application seeks review of the June 7, 2002 Order on Reconsideration of the Wireline Competition Bureau (“Bureau”). Pursuant to Section 1.115 of the Commission’s rules, the filing deadline for the Application was July 8, 2002. AT&T filed its Application on July 8, 2002 using the Commission’s Electronic Tariff Filing System (“ETFS”). However, due to errors in finalizing and processing the filing, AT&T did not successfully complete the ETFS filing until approximately 10:00 p.m. Because ETFS stamps all filings received after 7:00 p.m. as filed at 8:00 a.m. on the following day, the date on which AT&T’s July 8, 2002 Application is stamped as received by the Commission is 8:00 a.m. July 9, 2002.

The Commission has explained that “limitations on filing applications for review are established solely by Commission rule” (*see* 47 C.F.R. § 1.115(d)) and thus can be waived upon a showing of good cause. *Application for Review of Liability of MTD, Inc., Permittee of Station*

KMMW (FM), Maljamar, New Mexico For a Forfeiture, 6 FCC Rcd. 34, n.2 (1991). Waiver of the filing deadlines may be appropriate where “no party would be prejudiced,” and the Commission has granted waiver requests with respect to applications filed well beyond the thirty day period. *Id.* (granting waiver with respect to application filed 10 days late). There is plainly good cause to grant AT&T’s waiver request. The fact that AT&T’s Application was filed at 10:00 p.m. on July 8, 2002 rather than at 7:00 p.m. on July 8, 2002 will cause no possible prejudice to any party. AT&T’s Application was accepted by ETFS at 10:00 p.m. on Monday July 8, 2002, and was available on the Commission’s website by 8:00 a.m. on July 9, 2002. AT&T served BellSouth by facsimile by 10:30 a.m. on July 9, 2002. The 7:00 p.m. ETFS deadline presumably reflects the fact that many tariff-related proceedings provide for very short response times. Here, however, parties have fifteen days to file oppositions (which the Commission could, of course, extend even further). *See* 47 C.F.R. § 1.115(d).

A grant of AT&T’s Application also is consistent with the public interest. AT&T’s Application seeks Commission review of the decision to undo its suspension of BellSouth’s tariff seeking recovery of costs relating to implementation of the Commission’s thousand block numbering rules. BellSouth has made exogenous adjustments totaling more than \$60 million. As explained in AT&T’s Application, BellSouth’s tariff (like similar filings by other incumbent local exchange carriers) is inconsistent with the Commission’s thousand block number pooling rules, and will result in annual increases of more than \$30 million in the access charges paid by AT&T and other interexchange carriers (“IXCs”), which must ultimately be borne by consumers. These improper costs also distort competitive markets, by imposing massive costs on only one segment of the industry – IXCs – which places IXCs at a substantial competitive disadvantage

relative to other types of carriers with whom they compete, particularly wireless carriers. Thus, accepting AT&T's Application is consistent with the public interest.

CONCLUSION

For the foregoing reasons, the Commission should grant AT&T's motion for a waiver of the Commission's time limitations, and should accept (and grant) the Application.

Respectfully submitted,

AT&T CORP.

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July 9, 2002

CERTIFICATE OF SERVICE

I, Loretta Douglas, do hereby certify that on this 9th day of July, 2002, a copy of the foregoing "Motion of AT&T Corp. for Waiver of 47 C.F.R. § 1.115 Filing Time Limit" was served by facsimile and U.S. first class mail, postage prepaid, on the parties named below.

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/s/ Loretta Douglas
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