



November 4, 2002

Application No. 129

Ms. Marlene H. Dortch  
Federal Communications Commission  
The Portals  
445 Twelfth Street S.W.  
Washington D.C. 20554

Attention: Common Carrier Bureau

Dear Ms. Dortch:

Cincinnati Bell Telephone (CBT) hereby applies for Special Permission pursuant to Section 61.51 of the Commission's Rules for waiver of Sections 61.58 (Notice Requirements) and 61.59 (Effective Period Required Before Changes) on not less than 1 day's notice in order to withdraw Page 109.85.10 which was filed with Transmittal No. 775 prior to its effective date and to restore the prior effective tariff page.

On October 25, 2002, CBT filed Transmittal No. 775 to become effective on November 9, 2002. In Transmittal No. 775 CBT proposed multiple revisions including changes to the calculation of the termination charges for its Discount Commitment Plan (DCP) in Section 7 (Special Access).

CBT respectfully requests permission to waive Sections 61.58 and 61.59 of the Commission's Rules to allow CBT to withdraw, without becoming effective, the tariff revisions in Transmittal No. 775 which proposed a change in the calculation of termination charges for the DCP. CBT wishes to withdraw the proposed revisions in order to allow CBT to further evaluate its calculation of DCP termination charges.

The original letter, completed FCC Form 159, and a check for \$655.00 to pay the required filing fee were sent to Mellon Bank, Pittsburgh, PA via UPS on November 4, 2002.

Please date stamp and return the enclosed duplicate of this letter to acknowledge its receipt. Questions concerning the Application should be directed to Mike Bishop at the above address, by phone at (513) 397-1231, or by fax at (513) 723-9815.

Respectfully submitted,

/s/ Gary Peddicord

Gary Peddicord  
Director -Operations and Regulatory  
Cincinnati Bell Telephone

Attachments

## ACCESS SERVICE

7. Special Access Service (Cont'd)7.4 Rate Regulations (Cont'd)7.4.12 Discount Commitment Program (DCP) (Cont'd)(E) Decreasing the DCP Commitment Level and Termination Liabilities

Customers may decrease their commitment level only by paying termination liability charges on the number of Channel Terminations or Network Access Connections by which the commitment level decreased. Termination Liabilities will apply to Digital Data, 1.544 High Capacity, MercNET 45 and Shared SONET Service. For example, a customer has a commitment level of 90 CTs. The customer then decreases this commitment level to 70 CTs. The customer must pay termination liabilities on 20 CTs.

The Termination Liability for DCP is calculated to be the dollar difference between the current DCP rate for the DCP term that could have been completed during the time the service was actually in service, or the monthly rate for services in service, or the monthly rate for services in place less than 36 months, and the customer's current DCP rate for each month the service was provided.

(X)

For example, a customer subscribing to a 60-month DCP term reduced their CT commitment by 20 CTs during the 37th month. This customer's termination charge would be:

20 CTs x (36 month DCP rate - 60 month DCP rate) x  
37 months = Termination Charge

(X)

A decrease in the commitment level will not change the expiration date of the DCP.

(X) Issued under authority of Special Permission No. 02-xx of the FCC in order to restore currently effective provisions and to withdraw material filed under Transmittal No. 775 without becoming effective.

(This page filed under Transmittal No. 776)

Issued: November x, 2002

Effective: November x, 2002

Vice President  
201 East Fourth Street  
Cincinnati, Ohio 45202