



# PUBLIC NOTICE

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DA 08-1875

**COMMENT SOUGHT ON PETITIONS FOR RECONSIDERATION AND CLARIFICATION OF  
THE COMMISSION'S INTERCALL ORDER FILED BY GLOBAL CONFERENCE  
PARTNERS, A+ CONFERENCING LTD., FREE CONFERENCING CORPORATION, AND  
THE CONFERENCE GROUP**

**CC Docket No. 96-45**

**Release Date: August 8, 2008**

**Comment Date: September 8, 2008**

**Reply Comment Date: September 22, 2008**

On June 30, 2008, the Commission released the *InterCall Order*, in which the Commission stated that InterCall, Inc. and all similarly situated audio bridging service providers are required to contribute directly to the universal service fund.<sup>1</sup> On July 30, 2008, Global Conference Partners (GCP) filed a petition seeking partial reconsideration and clarification, and A+ Conferencing, Ltd., Free Conferencing Corporation, and the Conference Group jointly filed a petition for reconsideration of the *InterCall Order*.<sup>2</sup> In its petition, GCP requests, among other things, reconsideration of the Commission's finding in the *InterCall Order* that the stand-alone conference service of InterCall and other similarly-situated providers is not an information service for the purposes of regulatory classification under the Communications Act of 1934, as amended, and applicable precedent.<sup>3</sup> GCP also requests that the Commission clarify that InterCall's bundled long-distance component is the transmission component of InterCall's service.<sup>4</sup> The petitioners in the A+ Conferencing Petition for Reconsideration assert that the *InterCall Order* should be reconsidered because, among other things, the Commission provided insufficient notice to non-party teleconferencing service providers as to the scope of the proceeding.<sup>5</sup> These petitioners further assert that the *InterCall Order* should be reconsidered because it contained material errors of fact and law.<sup>6</sup>

<sup>1</sup> See *Request for Review by InterCall, Inc. of Decision of Universal Service Administrator*, CC Docket No. 96-45, Order, FCC 08-160 (rel. June 30, 2008) (*InterCall Order*).

<sup>2</sup> Petition for Partial Reconsideration and Clarification of the *InterCall Order* of Global Conference Partners, CC Docket No. 96-45 (filed July 30, 2008) (GCP Petition for Partial Reconsideration); Petition for Reconsideration of A+ Conferencing, Ltd., Free Conferencing Corporation, and The Conference Group, CC Docket No. 96-45 (filed July 30, 2008) (A+ Conferencing Petition for Reconsideration).

<sup>3</sup> See GCP Petition for Partial Reconsideration at 1-2; 47 U.S.C. § 153.

<sup>4</sup> See GCP Petition for Partial Reconsideration at 22.

<sup>5</sup> See A+ Conferencing Petition for Reconsideration at 3-5.

<sup>6</sup> See *id.* at 7.

Interested parties may file comments on or before **September 8, 2008**, and reply comments on or before **September 22, 2008**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>7</sup>

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Greg Guice, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A340, Washington, D.C. 20554; e-mail: [Greg.Guice@fcc.gov](mailto:Greg.Guice@fcc.gov) and

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<sup>7</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(3) David Duarte, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-441, Washington, D.C. 20554; e-mail: [David.Duarte@fcc.gov](mailto:David.Duarte@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>8</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.<sup>9</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>10</sup>

For further information, please contact Greg Guice, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-1593 or TTY (202) 418-0484.

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<sup>8</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>9</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>10</sup> 47 C.F.R. § 1.1206(b).