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**Brooks E. Harlow, P.C.**  
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March 12, 2008

**VIA ELECTRONIC MAIL**

Samuel J. Petrillo  
Administrative Law Judge  
Public Utility Commission of Oregon  
550 Capitol St. NE, Suite 215  
Post Office Box 2148  
Salem, OR 97308-2148

Subject: Docket DR 26/UC 600

Dear Judge Petrillo:

The Northwest Public Communications Council ("NPCC") hereby respectfully requests permission to withdraw its motion to lift abeyance filed on February 4, 2008, without prejudice to refile after June 1, 2008, if the FCC still has not issued a ruling that provides guidance for this docket. This request is based on new information, as follows.

NPCC noticed in a public disclosure filing on the FCC website that several representatives from Qwest's Denver and D.C. offices met with the FCC on February 27th. See Attachment A. On March 5, 2008, the undersigned counsel<sup>1</sup> spoke with FCC Wireline Bureau Chief Dana Shaffer, one of the people who met with Qwest. A copy of counsel's required public disclosure letter is Attachment B. Public FCC filings also reveal that within a week of the FCC's meetings with Qwest, the FCC also met with AT&T and Verizon on the Other Proceedings. Attachments C and D are the AT&T and Verizon disclosure letters.

While the NPCC cannot predict when or whether the FCC will act, NPCC notes that the highest levels of the FCC appear to be engaged in the proceedings, including Ian Dillner, of the FCC Chairman's office; Dana Shaffer, FCC Wireline Competition Bureau Chief; and Matthew Berry, the FCC's General Counsel, as reflected

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<sup>1</sup> As counsel for Davel Communications, Inc., et al. in similar action pending the U.S. District Court for the Western District of Washington.



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Samuel J. Petrillo  
March 12, 2008  
Page 2

by the attachments. Thus, NPCC believes the PUC should maintain the stay through June 1st, to allow the FCC additional time to rule.

Very truly yours,

Brooks E. Harlow, P.C.

cc w/enc.: Mr. Lawrence Reichman (via e-mail)  
Mr. Jason Jones (via e-mail)

**Melissa E. Newman**  
Vice President – Federal Regulatory  
Qwest Communications International, Inc.

607 14<sup>th</sup> Street NW  
Suite 950  
Washington, DC 20007  
202.429.3120



EX PARTE

Electronic Filing via ECFS

February 27, 2008

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: *In the Matter of Payphone Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996* - CC Docket No. 96-128

Dear Ms. Dortch:

On February 27, 2008, Craig Brown, Steven Young and Melissa Newman, all of Qwest, met with Dana Shaffer, Chief-Wireline Competition Bureau, and Matthew Berry, General Counsel, to discuss the petitions for declaratory ruling filed in the above-captioned proceeding.

All of the issues discussed in the meeting were consistent with Qwest's position on the record in this docket.

This ex parte is being filed electronically pursuant to 47 C.F.R. §§ 1.49(f) and 1.1206(b).

Sincerely,

/s/ Melissa Newman

Copy via email to:  
Dana Shaffer  
Matthew Berry

ATTACHMENT A



Brooks E. Harlow, P.C.  
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March 6, 2008

**ELECTRONIC FILING VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A325  
Washington, DC 20554

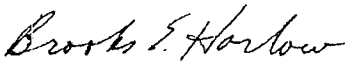
Subject: In the Matter of Payphone Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 - CC Docket No. 96-128

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide you with notice of an oral ex-parte communication on March 5, 2008, with Dana Shaffer, Wireline Bureau Chief, to discuss the petitions for declaratory ruling filed in connection with the above-referenced matter. The undersigned appeared on behalf of the plaintiffs/appellants in *Davel Communications, et al. v. Qwest*, Ninth Circuit Case No. 04-35677 ("*Davel case*"). The plaintiffs in the *Davel case* filed a petition for declaratory ruling in this docket on September 11, 2006 ("*Petition*").<sup>1</sup>

All issues discussed were consistent with Davel's position on the record in this docket.

Very truly yours,

  
Brooks E. Harlow, P.C.

cc: Ms. Dana Shaffer (via e-mail)

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<sup>1</sup> A complete listing of the clients in the *Davel case* is attached to the Petition.



I. Celia Nogales  
Executive Director  
Federal Regulatory

AT&T Services, Inc.  
1120 20th Street, N.W.  
Suite 1000  
Washington, D.C. 20036

Phone: 202.457.3014  
Fax: 202.457.3071

February 21, 2008

**VIA ELECTRONIC SUBMISSION**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, N.W.  
Suite 1100  
Washington, D.C. 20554

**Re: *Notice of Ex Parte – Pay Telephone Reclassification and  
Compensation Provisions of the Telecommunications Act of 1996,  
CC Docket 96-128***

Dear Ms. Dortch:

On February 21, 2008, Robert Quinn, Senior Vice President, Davida Grant, Senior Counsel and the undersigned, representing AT&T, met with Dana Schaffer, Bureau Chief of the Wireline Competition Bureau, Ian Dillner, Legal Advisor, to Commissioner Kevin Martin and Matthew Berry, General Counsel, to discuss AT&T's position already on file regarding the petitions for declaratory ruling and preemption filed in the above-captioned docket.

In accordance with Section 1.1206(b)(2) of the Commission's Rules, this letter is being filed electronically with your office. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Celia Nogales".

cc: Dana Schaffer  
Ian Dillner  
Matthew Berry

**Attachment C**



Ann D. Berkowitz  
Associate Director  
Federal Regulatory Advocacy

1300 I Street, NW  
Suite 400 West  
Washington, DC 20005  
(202) 515-2539  
(202) 336-7922 (fax)  
aberkowitz@verizon.com

February 26, 2008

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128**

Dear Ms. Dortch:

Today, Susanne Guyer, Karen Zacharia and Maggie McCready of Verizon and Aaron Panner of Kellogg Huber Hansen Todd Evans & Figel met with Dana Shaffer, Chief of the Wireline Competition Bureau, Ian Dillner, Legal Advisor to Commissioner Martin, and Matthew Berry, General Counsel, to discuss the petitions for declaratory ruling and preemption filed in the above-captioned proceeding. All issues discussed were consistent with Verizon's position on the record. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann D. Berkowitz".

cc: Ian Dillner  
Dana Shaffer  
Matthew Berry

**Attachment D**

PROOF OF SERVICE


DOCKET NO. DR 26/UC 600

I hereby certify that a true and correct copy of the letter to Administrative Law Judge Samuel J. Petrillo dated March 12, 2008, on behalf of the Northwest Public Communications Council was provided via electronic mail on March 12, 2008, to the following:

Lawrence Reichman  
Perking Coie, LLP  
1120 N.W. Couch Street, 10<sup>th</sup> Floor  
Portland, OR 97209-4128  
[lreichman@perkinscoie.com](mailto:lreichman@perkinscoie.com)

Jason Jones  
Department of Justice  
1162 Court Street, 4<sup>th</sup> Floor  
Salem, OR 97310  
[Jason.w.jones@state.or.us](mailto:Jason.w.jones@state.or.us)

DATED at Seattle, Washington this 25<sup>th</sup> day of March, 2008.

  
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Carol Munneerlyn, Secretary