illustrative only; state commissions, not this Commission, are the arbiters of what factors are relevant in ascertaining the parties' intentions. Nothing in this Declaratory Ruling, therefore, necessarily should be construed to question any determination a state commission has made, or may make in the future, that parties have agreed to treat ISP-bound traffic as local traffic under existing interconnection agreements. Finally, the Commission notes that issues regarding whether an entity is properly certified as a LEC if it serves only or predominantly ISPs are matters of state jurisdiction.

25. Even where parties to interconnection agreements do not voluntarily agree on an inter-carrier compensation mechanism for ISP-bound traffic, state commissions nonetheless may determine in their arbitration proceedings at this point that reciprocal compensation should be paid for this traffic. The passage of the 1996 Act raised the novel issue of the applicability of its local competition provisions to the issue of inter-carrier compensation for ISP-bound traffic. Section 252 imposes upon state commissions the statutory duty to approve voluntarily-negotiated interconnection agreements and to arbitrate interconnection disputes. As the Commission observed in the *Local Competition Order,* state commission authority over interconnection agreements pursuant to section 252 ''extends to both interstate and intrastate matters.'' *Local Competition Order.* Thus the mere fact that ISP-bound traffic is largely interstate does not necessarily remove it from the section 251/252 negotiation and arbitration process. However, any such arbitration must be consistent with governing federal law. While to date the Commission has not adopted a specific rule governing the matter, the Commission notes that its policy of treating ISP-bound traffic as local for purposes of interstate access charges would, if applied in the separate context of reciprocal compensation, suggest that such compensation is due for that traffic.

26. Some CLECs construe the Commission's rules treating ISPs as end users for purposes of interstate access charges as requiring the payment of reciprocal compensation for this traffic. Incumbent LECs contend, however, that the Commission's rules preclude the imposition of reciprocal compensation obligations to interstate traffic and that, pursuant to the ESP exemption, LECs carrying ISP-bound traffic are compensated by their end user customers—the originating end user or the ISP. Either of these options might be a reasonable extension of the Commission's rules, but the Commission has never applied either the ESP exemption or its rules regarding the joint provision of access to the situation where two carriers collaborate to deliver traffic to an ISP. As the Commission stated, it currently has no rule addressing the specific issue of inter-carrier compensation for ISP-bound traffic. In the absence of a federal rule, state commissions that have had to fulfill their statutory obligation under section 252 to resolve interconnection disputes between incumbent LECs and CLECs have had no choice but to establish an inter-carrier compensation mechanism and to decide whether and under what circumstances to require the payment of reciprocal compensation. Although reciprocal compensation is mandated under section 251(b)(5) only for the transport and termination of local traffic, neither the statute nor the Commission's rules prohibit a state commission from concluding in an arbitration that reciprocal compensation is appropriate in certain instances not addressed by section 251(b)(5), so long as there is no conflict with governing federal law. 47 CFR 51.701(a); *Local Competition Order.* A state commission's decision to impose reciprocal compensation obligations in an arbitration proceeding—or a subsequent state commission decision that those obligations encompass ISP-bound traffic—does not conflict with any Commission rule regarding ISP bound traffic. By the same token, in the absence of governing federal law, state commissions also are free not to require the payment of reciprocal compensation for this traffic and to adopt another compensation mechanism.

27. State commissions considering what effect, if any, this Declaratory Ruling has on their decisions as to whether reciprocal compensation provisions of interconnection agreements apply to ISP-bound traffic might conclude, depending on the bases of those decisions, that it is not necessary to re-visit those determinations. The Commission recognizes that the Commission's conclusion that ISP-bound traffic is largely interstate might cause some state commissions to re-examine their conclusion that reciprocal compensation is due to the extent that those conclusions are based on a finding that this traffic terminates at an ISP server, but nothing in this Declaratory Ruling precludes state commissions from determining, pursuant to contractual principles or other legal or equitable considerations, that reciprocal compensation is an appropriate interim inter-carrier compensation rule pending completion of the rulemaking initiated In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Inter-Carrier Compensation for ISP-Bound Traffic, CC Docket Nos. 96–98, 99–68, FCC 99–38, Declaratory Ruling in CC Docket No. 96–98 and Notice of Proposed Rulemaking in CC Docket No. 99–68 (rel. February 26, 1999).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–7159 Filed 3–23–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 95–155]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Notice; letter.

SUMMARY: The Common Carrier Bureau has issued a letter ending the 888 right-of-first-refusal process and referring non-compliant RespOrgs to the Bureau's Enforcement Division. All unclaimed set-aside 888 numbers (except 888–555–XXXX numbers) will be released into ''spare'' status and become available to all subscribers on a first come, first served basis on April 5, 1999.

FOR FURTHER INFORMATION CONTACT: Marty Schwimmer 202–418–2334.

SUPPLEMENTARY INFORMATION: The Bureau's letter follows:

Release Date: March 19, 1999.

Mr. Michael Wade,

President, Database Service Management, Inc., 6 Corporate Place, Room PYA—1F286, Piscataway, NJ 08854–4157

Re: End of 888 Right-of-First-Refusal Process on April 5, 1999, Referral of Non-Compliant RespOrgs to Enforcement Division

Dear Mr. Wade: In January 1996, the Bureau directed Database Service Management, Inc. (DSMI) to set aside, in ''unavailable'' status, toll free 888 numbers that subscribers with corresponding 800 numbers might wish to request, except that 888–555–XXXX numbers were to remain unavailable because they are associated with directory assistance.[1] In March 1998, the Commission voted to permit holders of

[1] In the Matter of Toll Free Service Access Codes, Report and Order, CC Docket No. 95–155, 11 F.C.C.Rcd. 2496, 2509 (1996).

corresponding 800 numbers to have a ''right of first refusal'' to the set-aside 888 numbers.[2]

The Bureau's letters to you dated April 2 and May 15, 1998, required Responsible Organizations (RespOrgs)—the entities that manage and administer subscriber records in the 800 Service Management System—to notify subscribers of their right of first refusal to request the 888 numbers that had been set aside for them.[3] By August 21, 1998, RespOrgs were to report to DSMI those 888 numbers that subscribers requested to activate or declined to activate, and they were to certify to DSMI that they had attempted to contact the subscribers having right of first refusal to all other set-aside 888 numbers by providing to DSMI each subscriber's name, address, phone number, and the date and means by which the RespOrg attempted the notification. The May 15 letter stated that the Bureau would audit the results to ensure that subscribers received adequate notice from RespOrgs of their right of first refusal. It concluded that the time for subscribers to exercise their right of first refusal will end following completion of the process, when the Bureau directs DSMI to release all remaining unclaimed ''unavailable'' set-aside 888 numbers into ''spare'' status.

The Bureau's letter to you dated November 24, 1998, identified RespOrgs that apparently did not account for all of their set-aside 888 numbers, because they did not certify that they had attempted to contact the subscribers who had right of first refusal for 100% of those numbers.[4] The letter required those RespOrgs to explain, by December 11, 1998, why the required notification process was not completed and what action they were taking to remedy their non-compliance. The letter concluded that RespOrgs failing to provide satisfactory explanation or failing to submit explanations altogether will be referred to the Common Carrier Bureau's Enforcement Division for enforcement action, possibly resulting in forfeiture penalties, decertification as RespOrgs, or further referral to the Department of Justice to determine whether a fine, imprisonment, or both are warranted.[5]

This letter now ends the 888 right-of-first-refusal process. Approximately 370,000 toll free 888 numbers were set aside under the Commission's right-of-first-refusal policy. In compliance with the required procedures, RespOrgs have reported that they notified the subscribers having right of first refusal to approximately 90% of the set-aside 888 numbers. RespOrgs that failed to comply with the procedures are being referred at this time to the Bureau's Enforcement Division.

Therefore, DSMI is directed, beginning at noon and ending by 6:00 pm EST on April 5, 1999, to release all remaining unclaimed ''unavailable'' set-aside 888 numbers (except 888–555–XXXX numbers) into ''spare'' status. At that time, those numbers will become available to all subscribers on a first come, first served basis. The Commission will publish notice of this letter in the **Federal Register** and post it on the Commission's Internet site at www.fcc.gov, so that the public may know in advance when all remaining set-aside 888 numbers will become available. DSMI is also directed to forward a copy of this letter to all RespOrgs.

Sincerely,

Lawrence E. Strickling,

Chief, Common Carrier Bureau.

Federal Communications Commission.

Kurt A. Schroeder,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 99–7171 Filed 3–23–99; 8:45 am]

BILLING CODE 6712–01–P

[2] In the Matter of Toll Free Service Access Codes, Fourth Report and Order and Memorandum Opinion and Order, CC Docket No. 95–155, 13 F.C.C. Rcd. 9058 (1998). 888–555–XXXX numbers were not included in the 888 right-of-first-refusal process.

[3] Letter from Geraldine A. Matise, Chief, Network Services Division, Common Carrier Bureau, to Mr. Michael Wade, President, Database Service Management, Inc., dated April 2, 1998, 63 FR 18422 (Apr. 15, 1998). Letter from Geraldine A. Matise, Chief, Network Services Division, Common Carrier Bureau, to Mr. Michael Wade, President, Database Service Management, Inc., dated May 15, 1998, 63 FR 29734 (Jun. 1, 1998).

[4] Letter from Anna M. Gomez, Chief, Network Services Division, Common Carrier Bureau, to Mr. Michael Wade, President, Database Service Management, Inc., dated November 24, 1998, 63 FR 67483 (Dec. 7, 1998).

[5] Toll Free Service Access Codes, Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95–155, 12 F.C.C. Rcd. 11162 (1997).

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92–237; DA 99–546]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On March 19, 1999, the Commission released a public notice announcing the March 30, 1999, conference call meeting from 3:00 p.m. to 5:00 p.m., and agenda of the North American Numbering Council (NANC). The conference bridge number for domestic participants is 1–888–322–9648 (toll free), the call in number for international participants is 954–797–0718 (caller pays) and the pin for both is 951360. The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda. This notice of the March 30, 1999, NANC conference call meeting is being published in the **Federal Register** less than 15 calendar days prior to the meeting due to NANC's need to discuss a time sensitive issue before the next scheduled meeting. This statement complies with the General Services Administration Management regulations implementing the Federal Advisory Committee Act. *See* 41 CFR § 101–6.1015(b)(2).

FOR FURTHER INFORMATION CONTACT: Jeannie Grimes at (202) 418–2320 or via the Internet at jgrimes@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, DC 20554. The fax number is: (202) 418–7314. The TTY number is: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This meeting is open to the members of the general public. The FCC will attempt to accommodate as many participants as possible. Participation on the conference call is limited. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie Grimes at the address under ''**FOR FURTHER INFORMATION CONTACT,**'' stated above.

Proposed Agenda

1. Discussion and development of NANC recommendation to the Federal Communications Commission regarding the Lockheed Martin Request for Expeditious Review of the Transfer of the Lockheed Martin Communications Industry Services Business, *In the Matter of Request of Lockheed Martin Corporation and Warburg, Pincus & Co., for Review of the Transfer of the Lockheed Martin Communications Industry Services Business from Lockheed Martin Corporation to an Affiliate of Warburg, Pincus & Co.*, filed with the Federal Communications Commission on December 21, 1998.

2. Other Business.

Federal Communications Commission

Blaise A. Scinto,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 99–7241 Filed 3–23–99; 8:45 am]

BILLING CODE 6712–01–P