

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 93–193, 94–65; DA 05–2220]

Wireline Competition Bureau Approves Plan To Refund Interstate Access Customers of Bell Atlantic for 1994 Tariff Period**AGENCY:** Federal Communications Commission.**ACTION:** Notice.

SUMMARY: This document provides notice that the Wireline Competition Bureau has approved the plan to refund interstate access customers of the Bell Atlantic incumbent local exchange carriers (Bell Atlantic) for refunds associated with their 1994 annual interstate access tariff. It also provides information as to how refunds may be obtained by Bell Atlantic interstate access customers that are either no longer readily identifiable or that are due refunds of less than \$100.

DATES: Former interstate access customers may submit refund claims to Verizon Telephone Companies (Verizon) through October 24, 2005.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for address postings.

FOR FURTHER INFORMATION CONTACT: Margaret Dailey, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1520, margaret.dailey@fcc.gov.

SUPPLEMENTARY INFORMATION: On July 30, 2004, the Commission released the *Add-Back Tariff Investigation Order*, FCC 04–151, in CC Docket Nos. 93–193 and 94–65. In that Order, the Commission concluded its investigation of the 1993 and 1994 interstate access tariffs of price cap local exchange carriers (LECs) that implemented a sharing or lower formula adjustment. The Commission found unjust and unreasonable the 1993 annual access tariffs of price cap LECs that implemented a sharing or lower formula adjustment in their 1992 Price Cap Indexes (PCIs) and that failed to apply add-back in computing their 1992 earnings and rates of return and

resulting 1993 PCIs. The Commission made the same findings for the 1994 interstate access tariffs of price cap LECs that implemented a sharing or lower formula adjustment in their 1993 PCIs. Finally, the Commission ordered affected price cap LECs to: (1) Recalculate their 1992 and 1993 earnings and rates of return, making an add-back adjustment; (2) determine the appropriate sharing or lower formula adjustment to their PCIs for the subsequent tariff year; (3) compute the amount of any resulting access rate decrease; and (4) submit a plan for refunding the amounts owed to customers plus interest as a result of any such rate decrease.

The Wireline Competition Bureau (Bureau) disapproved the original refund plan filed by Verizon on behalf of certain Bell Atlantic and GTE incumbent LECs. Verizon filed a Modified Refund Plan on April 18, 2005 and determined that refunds are due to Bell Atlantic interstate access customers for the 1994 tariff period. In 1994, the Bell Atlantic incumbent LECs consisted of Bell Atlantic—Delaware, Inc., Bell Atlantic—Maryland, Inc., Bell Atlantic—New Jersey, Inc., Bell Atlantic—Pennsylvania, Inc., Bell Atlantic—Virginia, Inc., Bell Atlantic—Washington, D.C., Inc., and Bell Atlantic—West Virginia, Inc. Bell Atlantic filed a single interstate access tariff for these LECs in 1994.

In the *Supplemental Add-Back Refund Order*, DA 05–2029, released July 15, 2005, the Bureau approved Verizon's Modified Refund Plan and directed Verizon to make refunds as further specified in that Order and in the *Add-Back Refund Order*, DA 05–719, which was released on March 17, 2005. The Bureau recognized that, due to factors such as bankruptcy, changes in ownership, or simple passage of time, some Bell Atlantic customers may no longer be readily identifiable. Further, the Bureau did not require Verizon to identify and notify customers that may be due refunds of less than \$100. Customers that Verizon cannot identify and customers due refunds of less than

\$100 may, however, obtain refunds through the following procedure, as specified in paragraph 22 of the *Add-Back Refund Order*: For at least 60 days after this notice is published in the **Federal Register**, Verizon must post this notice on its company web sites that are most often consulted by its interstate access customers. Verizon must also provide an address to which former access customers may submit refund claims by a specified date that is at least 60 days after the refund notice is first posted.

Federal Communications Commission.

Thomas J. Navin,

Chief, Wireline Competition Bureau.

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FEDERAL TRADE COMMISSION**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—07/11/2005			
20051164	eBay Inc.	Shopping.com Ltd	Shopping.com Ltd.
20051166	Tenaska Power Fund, L.P.	Calpine Corporation	Caloube Construction Finance Company, Calpine Philadelphia, Inc.
20051197	Ultra Electronics Holdings, plc	Jonathan D. Adams	Audiopack Technologies, Inc.
20051200	James D. Dondero	Leap Wireless International, Inc.	Leap Wireless International, Inc.
20051225	MidCountry Financial Corporation	Alfa Corporation	Alfa Financial Corporation.
20051228	Wind Hotels Holdings Inc	Wyndham International, Inc.	Wyndham International, Inc.
20051229	Welsh, Carson, Anderson & Stowe IX, L.P.	Franck L. Gougeon	AGA Medical Corporation.
20051230	Triton Acquisition Holding Co.	Maytag Corporation	Maytag Corporation.