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January 13, 2005

BY HAND DELIVERY

Mark J. Langer, Circuit Clerk
United States Court of Appeals for the D.C. Circuit
E. Barrett Prettyman US. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Virgin Islands Telephone Corporation v. FCC. et al.
Case No. 04-1 352

Dear Mr. Langer:

On behalf of the National Exchange Carrier Association, Inc. ("NECA"), United States Telecom Association ("USTA"), National Telecommunications Cooperative Association ("NTCA"), Organization for the Promotion and Advancement of Small Telecommunications Companies, ("OPASTCO") and the Independent Telephone and Telecommunications Alliance ("ITTA") (together the "Associations"), I am submitting an original and four (4) copies of a Notification to File a Separate Brief in Support of Petitioner.

Please date-stamp the enclosed extra copies of these documents that are designated for that purpose and return them to the undersigned.

Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colin Sandy".

Encls.

cc: James W. Olson, USTA
Stuart Polikoff, OPASTCO
Karen Brinkmann, Latham & Watkins, LLP
Daniel Mitchell, NTCA

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U.S. COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA
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**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

FILING DEPOSITORY

VIRGIN ISLANDS TELEPHONE CORPORATION,)	
)	
Petitioner,)	
)	
v.)	No. 04-1352
)	
FEDERAL COMMUNICATIONS COMMISSION)	
and UNITED STATES OF AMERICA,)	
)	
Respondents.)	

**NOTIFICATION TO FILE A SEPARATE BRIEF IN SUPPORT OF
PETITIONER
OF
NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.,
UNITED STATES TELECOM ASSOCIATION,
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION,
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES, and
INDEPENDENT TELEPHONE & TELECOMMUNICATIONS ALLIANCE**

The National Exchange Carrier Association, Inc. (“NECA”), United States Telecom Association (“USTA”), National Telecommunications Cooperative Association (“NTCA”), Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”), and Independent Telephone & Telecommunications Alliance (“ITTA”) (together, “Associations”), in accordance with the Court’s December 30, 2004 order in the above-captioned proceeding, request to file a brief on the side of the Petitioner, Virgin Islands Telephone Corporation (“VITELCO”).

VITELCO’s petition seeks review by this Court of an action of the Federal Communications Commission (“Commission”) as it relates to a specific tariff filed by

VITELCO pursuant to Section 204(a)(3) of the Communications Act of 1934, as amended. 47 U.S.C. § 204(a)(3). The Associations represent in aggregate virtually every incumbent local exchange carrier (“ILEC”) in the country. NECA itself files a tariff on behalf of some 1100 rural member ILECs. The other Associations represent ILECs — ranging from the large regional Bell Operating Companies to the smallest rural telephone cooperatives— that file their own individual tariffs. Many of these tariffs are also filed on a “streamlined” basis and so also are considered “deemed lawful” under Section 204(a)(3). As a consequence, any action taken by the Court in this matter will have an impact on the Associations’ members as well as on NECA’s tariff.

If granted leave to do so, the Associations will file a separate brief that demonstrates the potential adverse impact of the Commission’s decision on tariffs filed by telephone companies other than VITELCO. In particular, the Associations’ brief will highlight situations where the Commission has in fact suspended tariffs filed by NECA and/or its members and, after failing to reach any adverse conclusions with respect to those tariffs, reconsidered those suspension orders. The Associations will show that it would now be unreasonable and unlawful for the Commission to assert that those tariffs have been stripped of “deemed lawful” status under the Act. Information on these relevant FCC actions, which occurred outside the context of the Commission’s

investigation of Vitelco's particular tariff, may be of assistance to the court in its deliberations and may not be adequately addressed in a joint brief filed with Petitioner.

Respectfully submitted,

**NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.**

By: 

Regina McNeil
General Counsel

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UNITED STATES TELECOM ASSOCIATION

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**NATIONAL TELECOMMUNICATIONS
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**ORGANIZATION FOR THE PROMOTION
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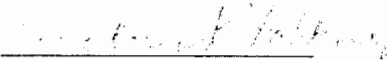
By: /s/ Karen Brinkmann
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January 13, 2005

CERTIFICATE OF SERVICE

I, Robert Falkner, of the National Exchange Carrier Association, Inc. ("NECA"), hereby certify that on January 13, 2005, I caused copies of the foregoing Notification to file a Separate Brief in Support of Petitioner in Case No. 04-1352 to be mailed via first class postage prepaid mail to the following:


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