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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
The Telephone Consumer) CC Docket No. 92-90
Protection Act of 1991)

Reply Comments

of

The Southern New England Telephone Company

The Southern New England Telephone Company (SNET), pursuant to the Notice of Proposed Rulemaking released April 17, 1992, (NPRM)¹ by the Federal Communications Commission (Commission), hereby respectfully files its reply comments in the above captioned proceeding. SNET continues to believe that the responsibility for accomplishing the goals of the TCPA correctly and fairly rests with the telemarketers themselves.

Of the over 150 parties filing comments in this proceeding, only three suggest that network technologies could be used as an available regulatory alternative to restrict telephone solicitation.²

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¹ In the Matter of The Telephone Consumer Protection Act [TCPA] of 1991, CC Docket No. 92-90, Notice of Proposed Rulemaking released April 17, 1992 (FCC 92-176), 7 FCC Rcd _____ (1992).

² NPRM, para. 30.

Independent Telecommunications Network, Inc. (ITN) states that "the existing [Switching System 7] Network and [Line Information Data Base] LIDB infrastructure is ideally suited for use as a means for blocking unwanted commercial telephone solicitations...."; telemarketers would be required to prescreen each customer's line number against a LIDB to determine whether that customer accepts or rejects commercial telephone solicitations.³ ITN states that the LIDB would require "some minimal data entry by the LIDB operator, but little if any alteration of the existing LIDB software.... [A]dditional equipment may be necessary to satisfy capacity requirements."⁴

U.S. Intelco Networks, Inc. (USIN) suggests that "Signaling System 7 (SS7) database applications may provide technology with the capability of addressing the needs and concerns addressed by the Commission."⁵ InterVoice believes that the implementation of Integrated Services Digital Network (ISDN) will eventually allow all telephones to identify an incoming call from a telemarketer, and will allow customers not to receive blocked calls.⁶

SNET submits that ITN considerably oversimplifies the current and future capabilities and operation of LIDB and SS7 in providing subscribers the ability to screen out telemarketing calls. Contrary to ITN's assertions, significant and costly

³ ITN, pgs. 9, 3.

⁴ ITN, pg. 4.

⁵ USIN, pg. 2.

⁶ InterVoice, pgs. 10-11.

modifications would have to be made to LIDB hardware and software to accommodate a new data field (perhaps, "subscriber telemarketer call acceptance indicator"), at a cost which is prohibited from being passed on to those who would directly benefit from it, the ratepaying residential subscribers themselves.⁷ All LECs and their LIDB vendors would have to unanimously agree to install and operate this feature in an identical way, if this LIDB application is to have universal value. Carrier development and implementation of customer service order practices and programming would also be required. LECs would have to contact each and every subscriber, on an initial and an ongoing basis, to determine their telemarketer call desires.⁸ These disadvantages weigh heavily against a mandated LIDB solution.

SNET's Comments, and many others as well, have described how SS7 is not and will not be deployed ubiquitiously, and how network technology does not offer technically feasible or practical solutions to implementing the TCPA.⁹ In order for ITN's proposal to work, every telemarketer would have to have access to SS7 technology, which may not happen for quite some time, if at all.

⁷ TCPA, Sec. 3(c)(3)(E).

⁸ The system ITN advocates apparently does not have the ability to differentiate between autodialer calls, and live solicitations. See NPRM, para. 23.

⁹ SNET, pgs. 5-6; Bell Atlantic, pgs. 5-7; BellSouth, pg. 8; NYNEX, pg. 14; Southwestern Bell, pg. 16; AT&T, pg. iii; Sprint, pg. 9; North American Telecommunications Association, pg. 7; Citicorp, pgs. 31-33; Securities Industry Association, pg. 9.

While LIDB and SS7 might eventually provide capabilities to meet the requirements of the TCPA, the deployment of LIDB and SS7 should be market driven. LIDB and SS7 technologies have many service capabilities which might become available, but are not ubiquitiously available today. In this context, the imposition by the Commission of a requirement upon the carriers to provide network solutions to implement the TCPA would be contrary to the efficient development of telecommunications markets, which the Commission has long fostered.

The record is clear that the telemarketers themselves do not wish to rely on network solutions,¹⁰ but properly prefer to maintain their own company-specific do not call lists.¹¹ A vast number of commenters are correct in their support of this regulatory alternative.¹² SNET submits that the carriers should not be required to police any invasion of privacy which may be brought on by telemarketing activities.

¹⁰ Direct Marketing Association, pg. 27; Direct Selling Association, pg. 3; King TeleServices, pg. 2; Lejeune Associates of Florida, pg. 26; SafeCard Services, pg. 12.

¹¹ American Telemarketing Association, pg. 2; Direct Marketing Association, pg. 10; CUC International, pg. 8; King TeleServices, pg. 3; LCS Industries, pg. 3; SafeCard Services, pg. 5.

¹² See, e.g., AT&T, pg. 7; MCI, pg. 4; Sprint, pg. 9; North American Telecommunications Association, pg. 8; Infoswitch, pg. 4; Association of National Advertisers, pgs. 5-6; National Association of Realtors, pg. 2; American Express, pg. 9; Banc One Corporation et al., pg. 16; Citicorp, pg. 23; Consumer Bankers Association, pg. 6; Securities Industry Association, pg. 12; M. Fuller, pg. 1; CUNA Mutual Insurance Group, pg. 3; National Retail Federation, pg. 9; Electronic Information Systems, pg. 3; Baltimore Gas & Electric, pg. 4; Audio Technica, pg. 2; Community Benefits Corporation, pg. 2; Olan Mills, pg. 7; Bell Atlantic, pg. 5; BellSouth, pg. 10; Southwestern Bell, pg. 9; GTE, pg. 16.

In sum, SNET believes that the record does not justify the imposition of ITN's suggestion, especially when the much less costly, more practical, and immediately available alternative of company-specific do not call lists is widely supported. SNET continues to believe that the responsibility for accomplishing the goals of the TCPA correctly and fairly rests with the telemarketers themselves.

Respectfully submitted,

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