

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment to Section 1.773 of the )  
Commission's Rules Regarding )  
Pleading Cycle for Petitions )  
Against Tariff Filings Made on )  
14 Days' Notice )

CC Docket No. 92-117

ORIGINAL  
FILE

TO: The Commission

REPLY COMMENTS OF  
SOUTHWESTERN BELL TELEPHONE COMPANY

Southwestern Bell Telephone Company (SWBT), by its attorneys, pursuant to the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking,<sup>1</sup> hereby files its Reply Comments on the Comments filed July 23, 1992. SWBT supports a new proposal for the filing of replies, and opposes a proposal for the distribution of filings which would unduly burden SWBT and other carriers.

- I. THE COMMISSION SHOULD ADOPT THE PROPOSAL THAT REPLIES BE DUE WITHIN 3 BUSINESS DAYS AFTER THE LATEST DATE UPON WHICH AN OPPOSING PETITION COULD HAVE BEEN FILED.

The Ameritech Operating Companies (Ameritech) propose that replies to petitions to reject a 14 day tariff filing be due within three days after the latest date upon which the petition could have been filed.<sup>2</sup> Under this proposal, an early-filed

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<sup>1</sup> Amendment to Section 1.773 of the Commission's Rules Regarding Pleading Cycle for Petitions Against Tariff Filings Made on 14 Days' Notice, Notice of Proposed Rulemaking, (FCC 92-215) (released June 1, 1992) (NPRM).

<sup>2</sup> Comments of Ameritech at pp. 1-2; see, also, Comments of American Telephone and Telegraph (AT&T), at p. 2, pp. of 2 Copies rec'd

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petition would not trigger the three-day time period, and the petitioner could not thereby "game" the reply cycle to force a carrier to prepare its response in less than one business day. This proposal would also ensure that carriers would not be required to file multiple replies, as might be required when petitioners file on different days.

SWBT supports the above proposal as an acceptable alternative to its proposal not to count all intervening holidays in computing the filing date for replies. For the same reasons explained in SWBT's Comments in this docket, the Ameritech proposal would eliminate the possibility that a carrier would be disadvantaged in the preparation of its reply by a petition filed on a Friday, when that Friday is not the last day for filing of petitions.

II. THE COMMISSION SHOULD NOT REQUIRE CARRIERS TO DUPLICATE THE WORK OF THE COMMISSION'S AUTHORIZED CONTRACTOR, DOWNTOWN COPY CENTER.

The Interexchange Resellers Association (IRA) recommends that carriers filing tariffs on 14 days' notice be required to transmit such filings to "interested parties" via facsimile on the same day that the carrier files the transmittal with the Commission.<sup>3</sup> IRA recommends that the carriers initially fax the tariff transmittal pages, and make provisions to fax the entire contents of the transmittal within two business hours of a

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<sup>3</sup> Comments of IRA at p. 1.

subsequent telephonic or fax request. The Commission should reject this proposal.

IRA's proposal would unduly burden carriers making 14 day filings. The 14 day filing period was intended to help streamline tariff review (both for the carriers and Commission staff) for filings that qualified for the abbreviated review. IRA's request would make the 14 day filing more burdensome in some ways than other filings. Both Commission staff and carriers would need to keep updated logs of "interested parties." Carriers would be required to implement procedures to fax many pages of documents to parties who would only occasionally participate in the review process. This proposal is not efficient from a cost benefit perspective since alternatives are available.<sup>4</sup>

IRA's request could possibly be satisfied through existing services of the Commission's authorized contractor, Downtown Copy Center (DCC). In the event that DCC does not presently provide the type of expedited service requested by IRA, the Commission could request that DCC provide such service at a reasonable price. This alternative would recover the cost of this service only from those requesting it. Those parties wanting rapid notice of tariff filings would be able to take advantage of the DCC's service or find other methods of doing so.

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<sup>4</sup> Likewise, Capital Cities/ABC, CBS, NBC and TBS's (Capital Cities) proposal to begin the pleading cycle from the date the filing appears in the publicly released tariff log should be rejected. Assuming, arguendo, that on occasion there is a time lag between the date of tariff filing and the date the filing appears in the log, an affected party can request additional time to respond. Capital Cities has not shown that it has been disadvantaged by the time lag in any of the cases it describes.

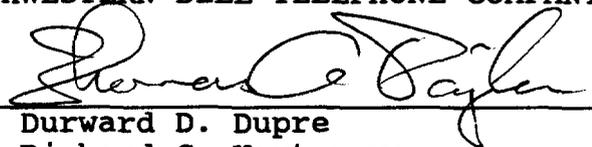
III. CONCLUSION

For the foregoing reasons, SWBT respectfully requests that the Commission adopt Ameritech's proposal to allow carriers sufficient time to file replies, or in the alternative, SWBT's proposal for the reply cycle. SWBT also respectfully requests that the Commission reject IRA's proposal which would require carriers to duplicate functions that can be performed by the Commission's authorized contractor.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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August 7, 1992

**CERTIFICATE OF SERVICE**

I, Gigi Renaud, hereby certify that the foregoing Reply Comments of Southwestern Bell Telephone Company in Docket No. 92-117, has been served this 7th day of August, 1992 to the Parties of Record.

A handwritten signature in cursive script, reading "Gigi Renaud", is written over a solid horizontal line.

Gigi Renaud

August 7, 1992

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