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FEDERAL COMMUNICATIONS COMMISSION  
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IN REPLY REFER TO

October 2, 1992

92-105

David J. Markey  
Vice President-Federal Regulatory  
BellSouth  
1133 21st Street, N.W.  
Suite 900  
Washington, D.C. 20036

Dear Mr. Markey:

I have recently received correspondence from both Werner Hartenberger, counsel for Cox Enterprises, Inc., and you regarding my May 4, 1992 letter to BellSouth concerning the assignment of N11 codes. Mr. Hartenberger is concerned that BellSouth misinterpreted my letter when it asserted that the letter clarified that "the use of first-come, first-served procedures for assigning N11 codes is only one of a number of assignment methods permitted under the Communications Act." (See Letter from Robert L. Capell, III to James T. McKnight, June 9, 1992). My May 4 letter is used to support BellSouth's position that a lottery is a reasonable and nondiscriminatory manner of assigning such codes.

This is written to clarify that my May 4 letter intended to address only one question: whether there existed some legal impediment to the immediate assignment of N11 codes through first-come, first-served procedures. That does not mean that other methods of assigning N11 codes, such as lotteries, are necessarily unreasonable or discriminatory. It only means that I did not consider them in my correspondence to BellSouth.

Should you have any questions concerning this matter, please feel free to contact me.

Sincerely,



Robert L. Pettie  
General Counsel

cc: Werner Hartenberger, Esq.

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IN REPLY REFER TO

May 4, 1992

92-105

David J. Markey  
Vice President-Federal Regulatory  
BellSouth  
1133 21st Street, N.W.  
Suite 900  
Washington, D.C. 20036

Dear Mr. Markey:

I am writing in response to the BellSouth Petition for Expedited Declaratory Ruling regarding the assignment of N11 codes. You ask the Commission to declare that the use, allocation and assignment of a limited number of N11 codes for accessing local pay-per-call type service arrangements via local exchange service arrangements are consistent with the Communications Act and the Commission's policies. In addition, you raise a number of more specific legal questions on N11 code assignment and ask for guidance on identifying alternative allocation schemes that will satisfy the Communications Act.

With regard to the legality of the assignment of N11 codes by BellSouth, there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner, i.e., such as the use of first-come, first-served procedures.

In response to the Petition for Declaratory Ruling, the Commission today issued a Notice of Proposed Rulemaking with respect to the use nationwide of abbreviated dialing arrangements.

Should there be any further questions, please let me know.

Sincerely,



Robert L. Pettit  
General Counsel