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

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In the Matter of)
Policies and Rules Concerning)
Unauthorized Changes of Consumers')
Long Distance Carriers)

CC 94-129

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REPLY OF BELL ATLANTIC¹

Throughout the various Commission proceedings addressing the issue of unauthorized changes in consumers' chosen long distance carriers, Bell Atlantic has urged the adoption of clear and simple rules that will minimize the burden placed on local exchange carriers who are not a party to these disputes. Here, the bulk of the issues raised by the Commission have been fully addressed by the comments filed to date, and Bell Atlantic will not burden the record by repeating those comments again on reply. There are, however, several points raised in the comments that merit a brief response.

1. Adjustment of Optional Calling Plans

Most commentators agreed that consumers should not be held responsible for optional calling plan charges after an unauthorized PIC change. Some of these same commentators requested exemptions,

¹ The Bell Atlantic Telephone Companies ("Bell Atlantic") are 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.

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however, to accommodate the nuances of their particular plan.² Given the sheer number and complexity of the available plans, simple and clear requirements will best serve both the consumer and the long-distance carrier that has suffered from an unauthorized PIC change, while also minimizing the involvement of local exchange carriers in these disputes. As a result, upon notification of a customer's decision to change carriers,³ the original carrier should be required to cancel all optional calling plans unless they receive (or have received at the time of initial sign-up) permission from the customer to continue being charged for and receiving the benefits of the plan even if they are with a different primary long-distance carrier.

2. Adjustment of Long Distance Charges

While the majority of interexchange carriers agreed in theory that customers should be made whole for any additional charges incurred as a result of unauthorized PIC changes,⁴ some claimed that those charges would be hard to calculate,⁵ and none specifically addressed how the customer would be made whole. Whatever mechanism is ultimately adopted, however, must be crafted

² See, e.g., AT&T Comments at 18-20 (AT&T supports cancellation of residential but not business OCPs); Sprint Comments at 11 (cancellation should only apply to flat-fee OCPs and not to term OCPs).

³ IXCs receive information on end users' PIC activity daily.

⁴ See, e.g., MCI Comments at 15; Comments of the Telecommunications Resellers Association at 14-15.

⁵ See, e.g., AT&T Comments at 20, Comments of Sprint Communications Co. at 12.

to avoid drawing local exchange carriers into unauthorized PIC-change disputes by designating them as some sort of a refund administrator. The dispute over an unauthorized PIC change is one between the long-distance carrier and their customer, and local exchange carriers should not have to shoulder the burden of administering refunds as a result of those disputes. Moreover, as a practical matter Bell Atlantic is not well positioned for such a function in any event, since customers can complain directly to the interexchange carriers about slamming rather than go through Bell Atlantic.

3. *Identification of Underlying Facilities Carrier*

Some confusion may arise because customers who sign up with resellers receive bills that identify the facility-based carrier as the interexchange carrier.⁶ To avoid any such confusion, Bell Atlantic plans by mid-1995 to include a reseller indicator on consumer bills. The Commission should encourage voluntary measures such as this to help eliminate customer confusion.

4. *Monthly Reporting Proposals*

One commentor suggests that local exchange carriers should produce a monthly PIC report. This proposal would place further burdens on Bell Atlantic, which is not a party to unauthorized PIC-change disputes and already devotes an immense amount of time and resources to resolving these disputes. Furthermore, current record-keeping systems in use by the industry do not always permit this type of data to be readily collected in a format that can be

⁶ Comments of Sprint Communications Co. at 7-9.

included in a monthly report. Slamming may be a problem, but a "monthly report" filed by someone who is not even a party to the dispute is not the solution.

5. Services Offered by Local Exchange Carriers

AT&T mistakenly contends that a service offered by Bell Atlantic (its "PIC Switchback" service) lessens the interexchange carriers' requirement to obtain LOAs from end users.⁷ But LOA requirements were instituted by the Commission, not Bell Atlantic, and the interexchange carriers must obey the Commission's rules. The Commission acknowledged that IXCs are not relieved of their duty to obtain LOAs from end users when they permitted Bell Atlantic's PIC Switchback service to become effective.⁸ Therefore, contrary to AT&T's suggestion, there is no reason to reexamine this service.

Conclusion

Bell Atlantic supports the Commission's efforts to create clear and enforceable rules governing unauthorized PIC changes. Bell Atlantic respectfully requests that the Commission adopt the suggestions outlined above in order to ensure that local exchange

⁷ AT&T Comments at 8, n.14.

⁸ See Commission's Order on Transmittal No. 654, dated July 8, 1994.

carriers such as Bell Atlantic do not get mired in disputes they had no hand in creating.

Respectfully submitted,

**The Bell Atlantic Telephone
Companies**

By Their Attorney


Robert H. Griffen

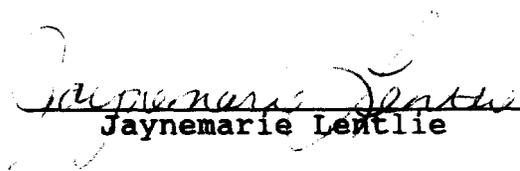
Edward D. Young, III
Michael E. Glover
of Counsel

1320 North Court House Road
Eighth Floor
Arlington, Virginia 22201
(703) 974-2943

February 8, 1995

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Reply of Bell Atlantic" was served this 8th day of February, 1995 by first class mail, postage prepaid, on the parties on the attached list.


Jaynemarie Lentlie

Andrew D. Lipman
Dana Frix
Swidler & Berlin
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Roy L. Morris
Allnet Communications Services
1990 M Street, N.W.
Suite 500
Washington, D.C. 20036

Charles H. Helein
Julia A. Waysdorf
Helein & Waysdorf
1850 M Street, N.W.
Suite 550
Washington, D.C. 20036

Mark C. Rosenblum
Robert J. McKee
Peter H. Jacoby
Seth S. Gross
AT&T Corporation
295 North Maple Avenue
Basking Ridge, N.J. 07920

Peter Arth, Jr.
Edward W. O'Neill
Ellen S. Levine
State of California
505 Van Ness Avenue
San Francisco, CA 94102

Genevieve Morelli
CompTel Association
1140 Connecticut Avenue, N.W.
Suite 220
Washington, D.C. 20036

Danny E. Adams
Steven A. Augustino
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Michael J. Shortley, III
Frontier Communications
180 South Clinton
Rochester, N.Y. 14646

Kathy L. Shobert
Director, Federal Affairs
General Communications, Inc.
901 15th Street, N.W.
Suite 900
Washington, D.C. 20005

David J. Gudino
GTE Service Corp.
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

Randall B. Lowe
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430

Gregory Intocchia
Donald J. Elardo
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Charles C. Hunter
Hunter & Mow
1620 I Street, N.W.
Suite 701
Washington, D.C. 20006

Elisabeth H. Ross
Missouri Public Service Comm'n
P.O. Box 360
Jefferson City, MO 65102

William J. Cowan
Mary E. Burgess
State of New York
Department of Public Service
Three Empire State Plaza
Albany, N.Y. 12223

Edward R. Wholl
William J. Balcerski
NYNEX Telephone Companies
120 Bloomingdale Road
White Plains, N.Y. 10605

James P. Tuthill
Betsy Stover Granger
Pacific Bell & Nevada Bell
140 New Montgomery Street
Room 1525
San Francisco, CA 94105

James L. Wurtz
Pacific Bell & Nevada Bell
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Robert M. Lynch
Durward D. Dupre
J. Paul Walters, Jr.
Southwestern Bell Telephone Co.
One Bell Center, Suite 3520
St. Louis, MO 63101

Leon M. Kestenbaum
Sprint Communications Co.
1850 M Street, N.W.
11th Floor
Washington, D.C. 20036

Formal Complaints Branch *
Enforcement Division
Common Carrier Bureau
Plaza Level
1250 23rd Street, N.W.
Washington, D.C. 20554
(2 copies)

ITS, Inc. *
1919 M Street, N.W.
Room 246
Washington, D.C. 20554

* BY HAND