

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 of Policies and Rules) CC Docket No. 94-158
Concerning Operator Service)
Providers and Call Aggregators)

DOCKET FILE COPY ORIGINAL

REPLY

BellSouth Telecommunications, Inc. ("BellSouth") hereby files these reply comments in the above-captioned proceeding. The Commission is considering certain changes to its regulations implementing requirements of the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA).¹ Specifically, the Commission proposes to require branding to both parties of a collect call and to impose minimum emergency call handling standards on aggregators. A third proposal would extend the statutory definition of "aggregator" to correctional institutions. Finally, comment is solicited on the adoption of specific time intervals for updating operator service provider (OSP) information posted at aggregator telephones.

BellSouth has no objection to two-party branding, which in fact has already been implemented by this company. Similarly, the application of minimum, emergency call handling standards to aggregators is a reasonable proposal and entirely consistent with the aims of TOCSIA. For the

¹ 47 U.S.C. § 226.

reasons set out below, BellSouth does not favor the extension of TOCSIA requirements to correctional institutions nor does it support a mandatory time interval to accomplish updating of posted OSP information.

1. Correctional institutions should remain exempt from TOCSIA requirements.

A significant majority of those parties filing initial comments oppose inclusion of correctional institutions within the aggregator definition.² The record is unequivocal that correctional institutions comprise a unique market with particularized communications needs. In this environment the statutory objective of promoting consumer choice of telecommunications provider must yield to more pressing requirements for inmate control, prevention of toll fraud and other criminal activity and protection of the general public. No new circumstances have been identified which would justify reversal of the Commission's earlier determination to exclude correctional facilities from the reach of TOCSIA.

Moreover, the Commission may avail itself of a far less intrusive means to protect inmates, families and friends from inflated and unreasonable OSP pricing. The rate cap proposal filed recently in CC Docket No. 92-77 can be readily applied to calls from correctional facilities, offering effective regulatory oversight of these rates and

² See, e.g., Comments of MCI, AmeriTel, Pacific Bell.

rate structures.³ Through benchmarking the Commission can insure reasonable pricing parity between correctional establishments and the competitive marketplace, while preserving those controls which are essential to the management of penal institutions.

2. There is no demonstrated need for specific time limits to govern informational postings at aggregator locations.

Initial comments filed in this proceeding suggest no significant lapse on the part of aggregators in maintaining current OSP signage. The Commission has received only one complaint directed to informational postings at BellSouth pay telephones, and the Company took prompt remedial action upon being notified of this problem. Similarly, GTE reports that it knows of no FCC complaints alleging failure to maintain current informational listings at GTE aggregator stations.⁴ Absent evidence of widespread noncompliance, the Commission should examine complaints on a case-by-case basis and tailor corrective measures to the particular circumstances presented.

BellSouth agrees with those commenters who maintain

³ BellSouth is one of the filing parties, who collectively represent all segments of the telecommunications industry. The Commission has invited public comment on the proposal in a notice released March 13, 1995. See Public Notice, "Pleading Cycle Established for Comments on CompTel's Filing in CC Docket No. 92-77 Proposing a Rate Ceiling on Operator Service Calls," DA 95-473, March 13, 1995.

⁴ GTE, pp. 4-6.

that OSP information should be updated as part of normally scheduled maintenance and collection activity.⁵ Mandating a specific interval would deprive BellSouth and other aggregators of flexibility in the management of payphone equipment and raise business costs. These effects should not be incurred to address a problem which--from an industry perspective--appears to be no more than insubstantial.

CONCLUSION

For the reasons stated above, the Commission should decline to reclassify correctional institutions as "aggregators" subject to TOCSIA requirements. Likewise, the Commission should refrain from prescribing specific time intervals for updating OSP signage and instead should fashion individual remedies for noncompliance which are appropriate to the circumstances presented.

Respectfully submitted,

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DATE: March 24, 1995

⁵ See Comments of APCC, p.8.

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of March, 1995 served all parties to this action with a copy of the foregoing REPLY by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

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