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VIA HAND DELIVERY

September 12, 1995

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
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Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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Re: Comments of Telemation International, Inc.
In the Matter Telephone Number Portability of
Non-Geographic Telephone Numbers - Docket No. 95-116

Dear Mr. Caton:

Enclosed please find one original and four copies of comments filed on behalf of Telemation International, Inc. in the above referenced docket. In addition, I have enclosed a "stamp and return" copy to confirm our receipt.

Thank you for your attention.

Respectfully,

Victoria Schlesigner
Regulatory Attorney

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Before the
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OFFICE OF SECRETARY

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
) RM 8535
)

COMMENTS OF TELEMATION INTERNATIONAL, INC.
REGARDING TELEPHONE NUMBER PORTABILITY
OF NON-GEOGRAPHIC TELEPHONE NUMBERS

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Date: September 12, 1995

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COMMENTS OF TELEMATION INTERNATIONAL, INC.
REGARDING TELEPHONE NUMBER PORTABILITY
OF NON-GEOGRAPHIC TELEPHONE NUMBERS

Telemation International, Inc. pursuant to Section 1.405 of the Commission's Rules respectfully submits these initial comments in response to the Notice of Proposed Rulemaking issued on July 13, 1995. Telemation International, Inc. ("Telemation") is a Delaware corporation providing billing and collection services in the 900 pay-per-call industry. Consequently, Telemation offers these comments on the concept of 900 number portability and its practical implications.

The Commission recently requested comments from interested parties on the issue of number portability, and more specifically, "whether the Commission should promulgate rules to ensure the development of number portability, and if so, what rules the Commission should promulgate." In the Matter of Number Portability, Notice of Proposed Rulemaking, Docket No. 95-116, July 13, 1995, at 4. Although Telemation acknowledges the many benefits that number portability can provide to consumers, the Commission should consider how the portability of 900 non-

geographic telephone numbers would affect the enforceability of pay-per-call legislation and regulation.

It is imperative for the Commission to recognize and consider the implications of 900 number portability with regard to the Telephone Disclosure and Dispute Resolution Act of 1992 ("TDDRA"). 47 U.S.C.S. §228 (1994). Many provisions of the TDDRA assume an integral relationship between the information provider and 900 carrier. Indeed, the information provider and its 900 number are currently "inextricably intertwined." Teleservices Industry Association, Petition for Rulemaking, dated October 18, 1994.

Regardless of the Commission's opinion of this relationship, it is important to recognize that such a relationship was contemplated and relied upon by Congress when the TDDRA and its resulting regulations were implemented. Evidence of such reliance can be found throughout both the House Report on TDDRA¹ and the Commission's Notice of Proposed Rulemaking implementing TDDRA regulations.² Requiring the portability of 900 numbers would necessarily change the nature of this relationship and

¹See e.g., H.R. Rep. No. 430, 102d Cong., 2d Sess., at 10 (1992) ("The [FCC] regulations must include requirements on such carriers to protect consumers against abusive practices by audiotext providers.") and Id. at 11 (requiring common carriers to ensure compliance by the audiotext provider with Commission regulations).

²See In the Matter of Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, Notice of Proposed Rulemaking, 8 FCC Rcd. 2331, 2332-33 (1993) (discussing the integral relationship between common carriers and information providers).

consequently affect the ability of these parties to adequately comply with the governing statutes and regulations.

In addition, the destruction of this relationship by number portability would significantly affect enforcement of the TDDRA and subsequent pay-per-call regulations. Number portability would allow a 900 transport subscriber to switch carriers without changing its 900 number, thus enabling the subscriber to easily switch its 900 carrier. This newfound freedom will undoubtedly make it more difficult for enforcement agencies to ensure compliance with existing statutory and regulatory responsibilities. Clearly, rules based upon an assumed dependent relationship are difficult to enforce when the underlying relationship between the provider and carrier is subject to frequent change.

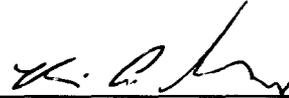
Unlike 800 number portability, 900 number portability would also alter the delicate financial relationship between the 900 carrier and billing entity. Such relationships exist not only between the 900 carrier, billing entity and information provider, but also between the 900 carrier, billing entity and end user. Again, the consequences of 900 number portability are clearly significant and far-reaching since the implementation of such a system would undoubtedly upset these delicate relationships.

In view of the foregoing, the Commission should carefully evaluate the practical implications of 900 number portability and the probable difficulties associated with its institution.

Respectfully Submitted,

TELEMATION INTERNATIONAL, INC.

Gregory M. Casey, Esq.
Senior Vice President
Regulatory & Telephone Company
Relations



Victoria A. Schlesinger, Esq.
Regulatory Attorney

Date: September 12, 1995

CERTIFICATE OF SERVICE

I, Nancy Appel, hereby certify that I have on this 12th day of September, 1995, sent via U.S. first-class mail, postage prepaid, a copy of the foregoing comments in the Matter of Telephone Number Portability, filed this date with the Acting Secretary, Federal Communications Commission, to the persons on the attached service list.


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