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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

In the Matter of)
)
Amendment of Policies and Rules)
Concerning Operator Service)
Providers and Call Aggregators)

CC Docket No. 94-158

COMMENTS OF AMERITECH

The Commission has proposed, in the Further Notice of Proposed Rulemaking released March 5, 1996, at ¶¶ 33-34, that Section 64.703(b) of the Rules be amended to provide a time limit within which payphone owners must post notice of any change in the presubscribed interexchange carrier (PIC) serving a particular payphone. Presently, the rule says that an aggregator must "post on or near the telephone instrument . . . the name, address, and toll-free telephone number of the provider of operator services." The new rule would provide that the identity of the PIC as disclosed by the notice "must be updated within 30 days of a change in the provider of operator services."

Ameritech¹ wishes to observe initially, of course, that the burden of the new rule would lie most heavily on the LEC payphone carriers, who are the

¹ Ameritech comprises Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company and Wisconsin Bell, Inc.

only aggregators required to respond to PIC changes made by premises owners.² Other payphone owners are free never to allow PIC changes at all, or to make PIC changes only when it suits their own convenience. The effort that must be made by those providers to comply with the new rule will be minimal indeed. Thus the new signage-change rule will serve primarily to extend the competitive imbalance that already exists under the disparate sets of rules that apply, respectively, to LEC and non-LEC payphone providers.

However, if the Commission determines that a rule imposing a time limit for signage changes should nonetheless be imposed, Ameritech adheres to the view it expressed earlier in these proceedings, that while a general guideline of thirty days should apply, a period of sixty days should serve as the outer limit within which all PIC charges should finally be shown in new signage. The sixty-day period is needed to reflect the need to make changes in payphones at remote or low-volume locations. So long as the volume of PIC change remains within the

² Judge Greene in the AT&T divestiture proceedings required the divested Bell Operating Companies to allow the owner or proprietor of the premises on which payphones are located to select in the first instance, as well as change, the PIC serving each payphone. *See United States v. Western Elec. Co.*, 698 F. Supp. 348 (D.D.C. 1988); *id.*, 1988-2 Trade Cas. (CCH) ¶ 68,370 (D.D.C. Dec. 23, 1988). In the eight years that have followed this decision, only the Bell companies and other LECs are required by any law or regulation to effectuate the PIC choice of the premises owner. Section 276(b)(1)(D) of the recently enacted Telecommunications Act seeks to remedy this difference.

control of the premises owners, rather than the LEC payphone owners, an overall limit of thirty days to reflect those changes will be too short.

Respectfully submitted,



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March 26, 1996

CERTIFICATE OF SERVICE

I, Audrey L. Hankel, do hereby certify that a copy of the foregoing Comments of Ameritech has been served on all parties entitled thereto, by first-class mail, postage prepaid, on this 26th day of March, 1996.

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