

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)
)
)
Policy and Rules Concerning the)
Interstate, Interexchange) CC Docket No. 96-61
Marketplace)
)
Implementation of Section 254(g))
of the Communications Act of)
1934, as amended)
_____)

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COMMENTS OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL

The American Public Communications Council ("APCC") submits the following comment on Section IV of the Commission's Notice of Proposed Rulemaking ("Notice") in these proceedings. APCC is a national trade association of more than 1,000 independent public payphone ("IPP") providers.

The Commission's Notice states that the Commission is not addressing here the issue of forbearance from applying Section 226 of the Act, which requires operator service providers ("OSPs") to file informational tariffs. Notice, ¶ 20; 47 U.S.C. § 226. However, the Commission does not disclaim that its forbearance proposal, if adopted, would relieve OSPs of Section 203 filing requirements. 47 U.S.C. § 203. Unlike Section 226, Section 203 requires tariffs to be filed in advance of their

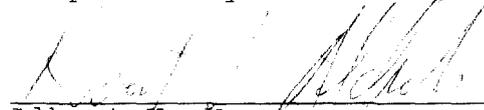
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effective date, thereby making it possible for the Commission to suspend and investigate tariffs in appropriate cases. The Commission is currently considering, in Docket No. 92-77, various proposals for exercising its Title II powers to apply "benchmark" regulation to operator service rates that appear to be excessive. Public Notice, DA 95-473, released March 13, 1995. Some actions the Commission has been urged to take in those proceedings may be inconsistent with forbearance from applying Section 203 of the Act to operator services.

APCC urges the Commission not to make findings in these proceedings regarding the relevant product and geographic markets for interexchange services that would prejudice the outcome of the Commission's inquiry into "benchmark" regulation of operator services.

April 19, 1996

Respectfully submitted,



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