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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

June 17, 1996

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street NW - Room 222
Washington, D.C. 20554

RE: Ex Parte Meeting
CC Docket 96-98,
Implementation of the Local Competition
Provisions in the Telecommunications Act of 1996

Dear Mr. Caton:

The purpose of this letter is to inform the Commission that on May 28, 1996, Paul Hart of USTA and I met with Geri Matise, Mary DeLuca, Gregory Forbes, Vincent Paladini, Pam Gregory, Andy Firth, and Kent Nilsson of the Common Carrier Bureau, Network Services Division, to discuss the issues of Number Administration, Notice of Technical Changes, and Dialing Parity raised in the above-referenced docket.

The positions expressed by USTA are consistent with those discussed in our comments on these issues, filed May 20, 1996, and USTA's reply comments, filed June 3, 1996.

Additionally, in response to inquiries from Commission staff, USTA explained that:

- 1) It is extremely difficult to measure specific periods for purposes of assessing whether access to operator services or directory assistance is provided without unreasonable dialing delays. Accordingly, the Commission should examine the requirement in the context of access to the service or feature under consideration on the basis of technical equivalency. If the technical conditions accorded another entity for access to a service or feature are equivalent to those utilized by the owner, the technical conditions are nondiscriminatory. Therefore, the technical performance, including dialing delay will be equivalent. This is a superior approach than attempting to define and measure specific periods for purposes of 47 U.S.C. § 251(b)(3);
- 2) The definition of "operator services," for purposes of 47 U.S.C. § 251(b)(3) should include operator services associated with local exchange service, e.g., busy line verification. It is likely that customer expectations will require that customers of different exchange carriers receive equivalent services. The local carriers in a service area should be permitted to cooperatively arrange for provision of these services between competing LEC networks;

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- 3) All telecommunications carriers, including LECs, should be permitted to define the scope of local service and toll service in response to market forces. Mandating intraLATA presubscription for independent exchange carriers would be unnecessary and counterproductive, as it would artificially define service markets based on LATA boundary distinctions which will soon lose their relevancy. This position was expressed in USTA's initial comments on these issues, filed May 20, 1996.

While the 1996 Telecommunications Act requires RBOCs to offer intraLATA toll dialing parity coincident with its exercise of interLATA authority, the Act also provides that states may not require RBOCs to offer intraLATA toll dialing parity until that time (with exceptions for one-LATA states and grandfathered requirements). The Act thus provides for simultaneous toll competition between BOCs and IXC's, and the Commission should recognize this balance in any regulations it adopts. Where states have determined to define service markets and require intraLATA presubscription, the Commission should not undo those state requirements.

Two copies of this ex parte notice are being filed in the Office of the Secretary today. Please include this notice in the public record of each these proceedings. Should there be any questions, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. D. C.', with a long horizontal flourish extending to the right.

Charles D. Cosson

June 17, 1996

cc: Geri Matisse, Chief, Network Services Division
Kent Nilsson, Deputy Chief, Policy, Network Services Division
Mary DeLuca
Gregory Forbes
Vincent Paladini
Pam Gregory
Andy Firth