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might well destroy the product offering altogether: obviously, consumers will find far less attractive a "give away" that they must spend money to use.

TRA agrees with the many State commenters that vigorously oppose a coin-deposit approach.⁴⁹ As the New York State Department of Public Service ("NYDPS") notes [w]e also oppose a set use system that requires payphone callers, including credit card callers, to deposit coins into the payphone before placing a call. We agree that a coin-deposit approach, which would require transient payphone callers to deposit coins in addition to providing call-billing information, would be unduly burdensome."⁵⁰ The Public Utility Commission of Texas echoes these views:

The Texas PUC also agrees with the tentative conclusion reached in paragraph 27 of the Notice that coin-deposits should not be required in order to make calls to access codes of long distance carriers (such as 1-800-COLLECT, 950 and 10XXX numbers. This would create problems for transient payphone users as well as potentially stifle long distance competition from payphones.⁵¹

Perhaps the Oklahoma Corporation Commission put it best when it suggested that the Commission "strive to minimize the impact of compensation policies on end-users."⁵²

⁴⁹ See, e.g., Comments of the Florida Public Service Commission at 4 ("FPSC Comments"); Comments of the New York State Department of Public Service at 7 ("NYDPS Comments"); Comments of the Public Utility Commission of Texas at 3 ("TPUC Comments"); Comments of the Oklahoma Corporation Commission at 2 ("OKCC Comments").

⁵⁰ NYDPS Comments at 7.

⁵¹ TPUC Comments at 3.

⁵² OKCC Comments at 2.

F. The Commission Should Confirm That Compensation Is Only Due On Calls Actually Completed To An End User (¶¶ 15 - 23)

APCC has suggested that "[a] simple and reasonable way to handle debit card calls for purposes of Section 276 compensation would be to classify debit card access numbers as a subscriber 800 number . . . [and treat] the call . . . as 'complete' when it reaches the debit card issuer's platform."⁵³ TRA strongly opposes such an approach. Not only is it inequitable to levy a payphone use fee on calls which are not compensable to a long distance provider because they were not completed to the intended end user recipient, but, as detailed in TRA's comments,⁵⁴ treating a call as complete simply because it reaches a prepaid calling card provider's platform is contrary to consistent Commission precedent.

As TRA explained in its comments, the Commission, in assessing the jurisdictional character of prepaid calling card calls, has expressly held that "calls involving 800 switching should be treated . . . as single, end-to-end communications."⁵⁵ Thus, the Commission has ruled that "the end-to-end nature of the communications [is] more significant than the facilities used to complete such communications for defining the nature of the communications."⁵⁶ As the Commission recently explained, "the interstate communication itself extends from the inception

⁵³ APCC Comments at 25

⁵⁴ Given that "[t]he vast majority of payphone costs are fixed in the short run" (APCC Comments at 11), there is no meaningful cost to the PSP associated with its origination of a prepaid calling card call which reaches a prepaid calling card provider's platform, but which is not completed to the end user.

⁵⁵ The Time Machine, Inc., Request for a Declaratory Ruling Concerning Preemption of State Regulation of Interstate 800-Access Debit Card Telecommunications Services, 11 FCC Rcd. 1186, ¶ 30 (1995).

⁵⁶ Long Distance/USA, Inc. v. The Bell Tel. Co. of Penn., 10 FCC Rcd. 1626, ¶ 13 (1995).

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of a call to its completion, regardless of any intermediate facilities;" "a single interstate communication . . . does not become two communications because it passes through intermediate switching facilities."⁵⁷

Under long-standing Commission precedent, a call can only be treated as completed if it is answered by the intended end user recipient.

⁵⁷ Id.

III.

CONCLUSION

By reason of the foregoing, the Telecommunications Resellers Association urges the Commission to adopt rules and policies in this docket consistent with its comments and these reply comments.

Respectfully submitted,

**TELECOMMUNICATIONS
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