

Bell Atlantic Network Services, Inc.  
1133 Twentieth Street, N.W.  
Suite 800  
Washington, D.C. 20036  
202 392-6990

Marie T. Breslin  
Director  
FCC Relations

EX PARTE OR LATE FILED

August 28, 1996

**EX PARTE**

**RECEIVED**

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**AUG 28 1996**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**Re: CC Docket No. 96-128, Implementation of the Pay Telephone Reclassification  
and Compensation Provisions of the Telecommunications Act of 1996**

Dear Mr. Caton:

Bell Atlantic is writing to respond to BellSouth's August 16 ex parte submission in this proceeding entitled "InterLATA Rights Discussion." In this paper, BellSouth claims that section 276 "immediately does away with the MFJ interLATA prohibitions" and gives it the same "interLATA rights" as a non-Bell payphone provider. While this interpretation of section 276 would certainly benefit Bell Atlantic, we do not read the statute this way. Rather, section 276 gives Bell Atlantic only limited rights to negotiate concerning interLATA arrangements.

Section 276(b)(1)(D) merely permits a Bell operating company "to negotiate with the location provider on the location provider's selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with, the carriers that carry interLATA calls from [its] payphones."

This provision does not grant a Bell company full interLATA authority in connection with its payphone business, as BellSouth claims. If Congress had intended such a result, this subparagraph would simply state that a Bell company may "provide interLATA telecommunications from its payphones." This, of course, is not what the statute says. Additional interLATA authority in a Bell company's region can be achieved through the procedures established under section 271.

The Act grants this limited negotiation authority unless the Commission finds that it is not in the public interest. There has been no serious argument in the comments or replies that this authority is not in the public interest. Any arguments concerning whether additional interLATA rights are in the public interest will be considered in connection with applications made under section 271 and are simply beside the point here.

Please include this correspondence in the public record of the above captioned proceeding.

Sincerely,

*Marie Breslin*

- cc: M. Richards
- R. Spangler
- R. Crellin
- T. Zagorsky
- J. Muleta
- M. Carowitz
- G. Reynolds

No. of Copies rec'd 012  
List A B C D E