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EX PARTE OR LATE FILED

February 4, 1997

EX PARTE

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
FEDERAL BUREAU OF INVESTIGATION

Re: Southwestern Bell Telephone Company's Comparably Efficient Interconnection Plan for the Provision of Security Service, CC Docket Nos. 85-229, 90-623, 95-20; and Implementation of the Telecommunications Act of 1996; Telemessaging, Electronic Publishing and Alarm Monitoring Services, CC Docket No. 96-152

Dear Mr. Caton:

In accordance with the Commission's rules governing ex parte presentations, please be advised that on Friday, January 31, Michael Zpevak, representing Southwestern Bell Telephone Company (SWBT), met with Commissioner Ness and her Senior Legal Advisor, Jim Casserly. The purpose of the meeting was to discuss SWBT's position in the above-referenced proceedings.

During the discussions, we provided the following citations: Callahan v. Prince Albert Pulp Company Ltd., 581 F. 2d 314 (2d Cir. 1978); Select Creations, Inc. v. Paliafito America, Inc., 911 F. Supp. 1130 (E.D. Wis. 1995); 3 Am Jur 2d, Agency, §4. These authorities confirm that payment of commissions on a recurring monthly basis is not inconsistent with an agency relationship. Further, we noted that such recurring compensation is customary in the telecommunications industry (e.g., telephone company and cellular sales agents) and elsewhere (e.g., the insurance industry).

Due to the timing of the meeting and subsequent scheduling conflicts, this notification is being filed today.

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Pursuant to Section 1.1206(a)(1) of the Commission's rules, 47 C.F.R.
§1.1206(a)(1), two copies of this letter are provided for your use. Should you
have any questions concerning the foregoing, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael". The signature is written in a cursive style with a large initial "M".

cc: Commissioner Ness
Mr. Casserly