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April 9, 1997

RECEIVED

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: **Ex Parte**
Payphone Reclassification Proceeding
CC Docket No. 96-128
Order (Common Carrier Bureau, April 4, 1997)

Dear Mr. Caton:

Pursuant to the referenced Order, this is to advise the Commission on the status of intrastate tariffs for unbundled features and functions BellSouth has not yet federally tariffed. A copy of this ex parte letter is being filed with Radhika V. Karmarkar, Esq., of the Commission's Policy and Program Planning Division, in BellSouth's CEI proceeding as required by the Order.

As of this date, there are no payphone-specific, network-based, unbundled features and functions provided to others or taken by BellSouth's payphone operations that are tariffed by BellSouth at the intrastate level. The Order characterizes answer supervision as "pay-phone specific" at paragraph 18. BellSouth does not believe the Order's characterization is correct as to BellSouth because answer supervision is tariffed by BellSouth as a local exchange service for use only with line side terminated PBX trunks in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

In Florida, answer supervision is an unbundled feature which is tariffed in the local exchange services tariff and available for use with either IPP lines or line side terminated PBX trunks. Neither BellSouth's payphone affiliate, nor any independent payphone service provider, has ever subscribed to this unbundled, non-payphone-specific feature.

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Nevertheless, in light of the Order's specific reference to answer supervision, BellSouth commits to filing a federal tariff for this feature for Florida within 45 days of the release date of the Order, i.e., on or before May 19, 1997, without waiving its continuing objection to the Common Carrier Bureau's authority to require such a filing.¹

Please contact me if you have any questions.

Sincerely,



Ben G. Almond
Executive Director-Federal Regulatory

cc: Radhika V. Karmarkar, Esq.

¹ Notwithstanding the language employed in any of the orders in this proceeding, the Commission is without jurisdiction to require the federal tariffing of intrastate, local exchange services. See BellSouth Petition for Clarification and Reconsideration, CC Docket No. 96-128 (October 21, 1996) at 6-19; BellSouth Opposition and Comments, CC Docket No. 96-128 (October 30, 1996) at 1-2; BellSouth ex parte Letter from Ben G. Almond to William F. Caton, CC Docket No. 96-128 (March 20, 1997).