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April 11, 1997

DOCKET FILE COPY ORIGINAL

BY HAND DELIVERY

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

Re: CC Docket No. 96-128, Pacific Bell and Nevada Bell Comparably Efficient Interconnection Plan for the Provision of Payphone Service: Ex Parte Communication

Dear Mr. Caton:

Yesterday, California Payphone Association ("CPA") submitted to you an ex parte letter in the above referenced docket bringing to the Commission's attention recent changes in operating procedures at Pacific Bell that raise serious questions about the accuracy and adequacy of the Comparably Efficient Interconnection Plan for Pacific Bell and Nevada Bell ("Pacific CEI Plan"). CPA's letter noted that several payphone service providers ("PSPs") placing orders for Customer Owned Pay Telephone ("COPT") service with Pacific Bell have recently informed CPA of unprecedented problems in having Pacific process such orders through its COPT Service Center.

We received today a copy of a Pacific Bell advice filing with the California Public Utilities Commission ("CPUC") that appears to validate CPA's concerns and to mandate that approval of the Pacific CEI Plan be withheld at least for the time being.

By Advice Letter 18641, filed January 15, 1997, Pacific sought CPUC authority to withdraw its public and semi-public telephone and public access line ("PAL") services effective April 1, 1997. By Advice Letter 18641A, filed March 31, Pacific requested a delay until April 14 of the detariffing of PAL

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service. Now, by letter of April 10, a copy of which is attached hereto as Exhibit A, Pacific Bell has asked that the detariffing of PAL service be delayed again, this time until April 30, 1997. The only explanation Pacific provides for this request is that "extension of this date will ensure a smooth and successful conversion of the detariffed product to a product that is offered under tariff with minimal disruption of the COPT customer as well as the end user."

Another new concern about Pacific Bell's implementation of CEI is its apparent intention to continue to take advantage of Pacific's unique marketing advantages as an incumbent local exchange carrier ("LEC"). CPA has just today received a copy of a bill insert notice currently being distributed by Pacific Bell to all customers of its LEC services. This notice, headed "Pacific Bell *Calling*" and attached as Exhibit B, includes a very partisan marketing piece entitled, "The Private Life of the Public Phone."

CPA is unaware of any provision in Pacific Bell's Cost Allocation Manual for assignment of any portion of general customer billing costs to Pacific's Public Communications Division ("PubCom"). Clearly, if PubCom is to share the benefits of marketing done through Pacific Bell's billing envelopes, an appropriate share of billing and marketing costs should be assigned to PubCom and the Cost Allocation Manual should so provide. In addition, the principle of Comparably Efficient Interconnection should mandate that if Pacific Bell chooses to make its billing envelope available to PubCom it should also make its billing envelope available for marketing materials of competing payphone service providers.

As CPA noted in its letter of April 10, the inconsistency of Pacific Bell's recent changes in service order processing procedures with the assertions made in the Pacific CEI Plan and Pacific's reply comments requires the Commission's prompt attention. The late admission by Pacific itself that it is having trouble converting PAL service to a "product" that will remain under tariff confirms that the transition to detariffed payphone operations is not going smoothly at Pacific Bell. As CPA has urged before, the Commission should not approve the Pacific CEI Plan until Pacific Bell has satisfactorily responded to the concerns CPA has raised and that are validated by Pacific's own request for delay in the detariffing of PAL service

If there are any questions about this matter, please contact the undersigned at (415) 954-0313.

Very truly yours,

Martin A. Mattes
of
GRAHAM & JAMES LLP

cc: A. Richard Metzger
Kathy Franco
Blaise Scinto
Christopher Heimann

Our File: 16063.5

Mary L. Vanderpan
Regulatory Vice President

140 New Montgomery Street, Room 10..
San Francisco, California 94105
(415) 542-1266

PACIFIC BELL
A Pacific Telesis Company

April 10, 1997

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Mr. Wesley M. Franklin
Executive Director
California Public Utilities Commission
505 Van Ness Avenue, Room 5222
San Francisco, CA 94102

Re Request for Extension of Time Regarding Advice Letter 18641A

Dear Mr. Franklin:

Pursuant to CPUC Rule No. 48(b), Pacific Bell requests an extension of the removal of the tariff for Public Access Lines. Currently, this tariff goes into effect on April 14, 1997.

Advice Letter 18641 was filed on January 15, 1997 to withdraw public and semi-public pay telephone service from our tariffs in compliance with FCC CC Docket No. 96-128, Implementation of the Pay Telephone Reclassification And Compensation Provisions of the Telecommunications Act of 1996 which deregulated public and semi-public pay telephones. On March 31, 1997, we filed Advice Letter 18641A requesting a delay of the detariffing of Public Access Lines offered under Schedule CAL .P.U.C. No. 175-T. until April 14, 1997. Because of continuing conversion activity, we request that this date be extended to April 30, 1997.

Receiving the extension of this date will ensure a smooth and successful conversion of the detariffed product to a product that is offered under tariff with minimal disruption for the COPT customer as well as the end user.

In compliance with CPUC Code Rule 48 (b), this letter is being sent before the existing date for compliance. If the extension is granted, we will promptly inform all parties to the proceeding of the Executive Director's decision and will state in the opening paragraph of the document that the Executive Director has authorized the extension.

Your prompt attention and reply to this request are greatly appreciated.

Yours truly,

for Mary L. Vanderpan
Regulatory Vice President

cc: J. M. Leutza
S. R.. Weissman, CPUC
All Parties to Advice Letters 18641 and 18641A

EXHIBIT B

Page 1 of 1

Pacific Bell Calling

April 1997

In This Issue...

—News about Pacific Bell telephone service required by the California Public Utilities Commission:

- Need your help during emergencies
- Public phones
- Inside wire
- Area code splits: 213 & 408
- Making 4-hour appointments

Additional [illegible] Pacific Bell

- How to [illegible]

We Need Your Help During Emergencies

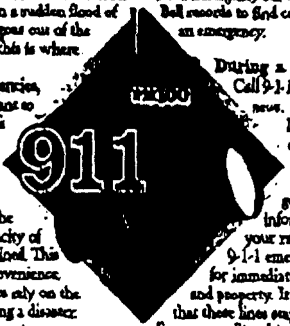
It's a package deal: Learn to live with fires, floods, and earthquakes, and you get the most beautiful sunsets, mountains, and deserts in the world. Thirty million people have accepted these terms – they call themselves Californians.

We need your help to keep the phone system up and running during the next emergency.

It's usually not downed phone lines that strain the phone system during a disaster; it's network overload. This happens when a sudden flood of calls comes in and goes out of the disaster area. And this is where you can help.

During emergencies, people naturally want to call their loved ones to reassure them that everything is alright. But when everyone tries to do this at the same time, the capacity of the network is strained. This is not just an inconvenience. Emergency workers rely on the phone system during a disaster.

It's possible to get a message to your family and friends during an emergency, without contributing to system overload. Below are the steps we need you to take.



Before a disaster:

● Choose and emergency contact. Ask one friend or family member outside your area for a favor – if disaster strikes, you will rely on them to be your emergency contact. Give them the names and phone numbers you would like contacted in case of a disaster. And finally, tell the people on that list to first call your emergency contact, not you, in case of an emergency. Preventing large numbers of calls, both incoming and outgoing, is the best way to prevent system overload in your area.

● Get a battery-powered radio and extra batteries.

● If you move, be sure to give your new address and phone number to your emergency contact and to Pacific Bell. Please notify us, even if you start service with another phone company. 9-1-1 Emergency Services rely on Pacific Bell records to find callers' addresses in an emergency.

During a disaster:

Call 9-1-1 *for help, not for news.*

Never call 9-1-1 or the police to ask about a disaster. You can get that information from your radio or TV. The 9-1-1 emergency lines are for immediate threats to life and property. It is very important that these lines stay open and clear.

Emergency calling: Listen for special dial tones.

If you need to make an emergency call, be aware that calls may be delayed to prevent a network overload. Here's what to listen for when you pick up the phone:

- Normal dial tone – place your call.
- Fast busy signal (twice as fast as usual) – try again later.
- A recording, reporting that circuits are busy – try again later.
- Silence – try waiting for a dial tone. Hanging up will further delay your call.

The Private Life of the Public Phone

Taxi cabs, mailboxes, and pay phones – you don't give them a thought, until you need to use one. Then, suddenly you can think of nothing else until you find one. With Pacific Bell pay phones, you won't have to look far.

That's because Pacific Bell maintains the largest network of pay phones in California. Anywhere there is sufficient traffic, access and need, we can install new phones. And sometimes, the owner of a state ballpark, shopping mall, or gas station asks us to put in more. Sometimes we're asked to relocate phones that aren't used a lot. And, we also block *incoming* calls on phones that have become a public nuisance.

A special category of pay phones are known as semipublic phones. Business owners pay a monthly fee to have us install and maintain semipublic phones at their location. Whether public or semipublic, all Pacific Bell pay phones guarantee the same high-quality service and charge the same rates. And it's easy to identify our phones – just look for the distinct Pacific Bell logo.

Throughout California, a local call only costs 20 cents from a Pacific Bell phone. On a local call, you can talk as long as you like. And, you can always make the following pay phone calls from our pay phones for free:

- 9-1-1 for emergencies (emergencies that threaten human life or property and demand immediate attention)
- 411 for Directory Assistance.
- 611 to report pay phone problems.
- 0 for a Pacific Bell Operator.
- 800 and 888 calls.

We'd Appreciate a Call...

At some point, everyone relies on pay phones. Please help us maintain our pay phone network. If you spot a broken phone, a missing phone book, or have any other concern, we can usually solve the problem very quickly after you call. It's very *helpful if* you can tell us the phone number and location of the problem phone. Please call Pacific Bell at the following numbers:

- 611 to report pay phone problems.
- 1-800-782-6153 to replace missing or damaged phone books.
- 1-800-498-2040 to order new pay phone service or ask questions.

PACIFIC ✳ BELL
NETWORK

Taking Care of Business – What You Need to Know About Inside Wire

You've got it in your walls, in your ceilings, and maybe even in your basement. It's inside wire, the wire that makes it possible for you to call Aunt Mae, run your business, and surf the Net. But when little rodents get cozy with your inside wire, or it's damaged during remodeling, who takes on the responsibility for repairing it?

Although Pacific Bell installs and maintains network phone wiring throughout most of California, we're responsible for maintaining this wire only up to a specific point at your location – the demarcation point. From this point, you own and are responsible for the phone wiring and jacks. Or, if you rent, they are your landlord's or property owner's responsibility.

You should be aware that under state law, residential landlords and not tenants are responsible for repairs to and maintenance of residential inside telephone wiring.

California Civil Code 1941.4 makes residential landlords responsible for:

- installing at least one usable phone jack in each residential unit,
- placing and maintaining phone wiring inside their rental units, and
- assuring that phone wiring inside their units meet National Electric Code (NEC) standards.

If you have a problem with your wiring or jacks, you can:

- do the repair work yourself,
- hire another vendor to do the work,
- hire Pacific Bell, or
- subscribe to the Pacific Bell Per Month Inside Wire Repair Plan for a small monthly fee, and we'll take care of all your wiring and jack needs.

For more information, call Pacific Bell at 1-800-310-BELL (1-800-310-2355) for residence or 1-800-750-BELL (1-800-750-2355) for business.