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FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of	)	
Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-128

THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL'S REPLY TO OPPOSITIONS TO ITS CONSOLIDATED APPLICATION FOR REVIEW OF THE CEI ORDERS

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SUMMARY

In their oppositions, generally the Regional Bell Operating Companies ("RBOCs") avoid the merits of APCC's Application for Review. Instead, they resurrect the same strategy they used before the Bureau in the comparably efficient interconnection ("CEI") proceedings: confusing the issues; arguing issues not raised by APCC; and distorting the facts. The Commission should not permit the RBOCs' tactics to sway the Commission from ***considering the merits*** and granting APCC's Application for Review.

First, the RBOCs claim that APCC seeks further unbundling of RBOC payphone features. This is false. In its Application for Review, APCC simply requests that the Commission enforce the Payphone Orders and require the RBOCs to federally tariff payphone-specific features that ***the RBOCs have already unbundled*** in their state tariffs, including their unbundled call blocking and screening services. The Bureau specifically cited unbundled call blocking and screening services as examples of payphone-specific features that must be federally tariffed. U S West, NYNEX and BellSouth fail to federally tariff their unbundled, payphone-specific call blocking and screening features.

Second, the RBOCs claim that their screening services do not discriminate in the provision of screening codes that are necessary to enable payphone service providers ("PSPs") to collect per-call compensation. The "07" screening code, provided to independent PSPs using "COCOT" lines, does not specifically identify a line as a payphone line. Interexchange carriers claim that a screening code which specifically identifies a line as a payphone line, as the Payphone Orders ***specifically require*** (and comparable to the "27" code provided to RBOC PSPs using "coin line" service), is necessary to track calls and

provide per-call compensation to PSPs. The fact that coin line service is technically available to independent PSPs does not eliminate the discrimination, because coin line service is structured so as to favor the RBOCs payphone operations and deter independent PSPs from subscribing. Discrimination in the provision of screening codes is a CEI issue, and the Bureau erred by refusing to require the RBOCs to correct the discrimination.

Finally, the Bureau failed to require the RBOCs to explain their service ordering procedures when RBOC payphones are replaced by independent payphones (and vice versa). Contrary to the RBOCs' claim, it is clearly a CEI issue if independent PSPs are subjected to procedures that delay installation of service when they seek to replace a RBOC payphone, while RBOC payphone divisions do not encounter the same obstacles when replacing independent payphones. The Commission should require the RBOCs to fully describe their service ordering procedures with respect to replacing payphones.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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	)	CC Docket No. 96-128
Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996	)	

THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL'S REPLY TO OPPOSITIONS TO ITS CONSOLIDATED APPLICATION FOR REVIEW OF THE CEI ORDERS

The American Public Communications Council ("APCC") hereby replies to the oppositions of the RBOC Coalition and Ameritech to APCC's application for review of the Common Carrier Bureau's April 15, 1997 orders approving the Regional Bell Operating Companies' ("RBOCs") Comparably Efficient Interconnection ("CEI") Plans (collectively the "CEI Orders") (citations omitted to conserve space).

In their oppositions, generally the RBOCs avoid the merits of APCC's Application for Review. Instead, they resurrect the same strategy they used before the Bureau in the CEI proceedings: confusing the issues; arguing issues not raised by APCC; and distorting the facts. The Commission should not permit the RBOCs' tactics to sway the Commission from ***considering the merits*** and granting APCC's Application for Review.

I. THE RBOCS' CALL BLOCKING AND SCREENING FEATURES MUST BE FEDERALLY TARIFFED BECAUSE THEY ARE ALREADY UNBUNDLED

According to the RBOC Coalition, APCC's Application improperly seeks to require a "fundamental unbundling of all payphone features and functions" "so that a COCOT line can be provisioned with every conceivable additional feature on an 'unbundled' or *a la carte* basis." E.g., RBOC Opposition at 3, 5. The RBOCs shamelessly mischaracterize APCC's Application for Review. ***APCC is not seeking any further unbundling in its Application for Review.***

APCC merely requests the Commission to enforce the Payphone Orders,[1] including the Bureau's own Order requiring the RBOCs to file federal tariffs for features "such as ... ***call screening***" and "***call blocking***" that are already offered on an unbundled basis at the state level. Clarification Order, ¶ 18. & n.49 (emphasis supplied).

The RBOCs want to avoid federally tariffing call screening and call blocking features because under the Payphone Orders, rates in federal tariffs must comply with the "new services" test. Reconsideration Order, ¶ 163 & n.492. Under the new services test,

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[1] Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Notice of Proposed Rulemaking, 11 FCC Rcd 6716 (1996), Report and Order, FCC 96-388, released September 20, 1996 ("Payphone Order"), Order on Reconsideration, FCC 96-439, released November 8, 1996 ("Reconsideration Order"), Order, DA 97-678, released April 4, 1997 (CCB) (clarifying the Payphone Order and Reconsideration Order) ("Clarification Order"), Order, DA 97-805, released April 15, 1997 (CCB) ("Waiver Order"). The Payphone Order, Reconsideration Order, Clarification Order and Waiver Order are referred to collectively herein as the Payphone Orders.

rates can only recover direct costs and a reasonable level of overhead costs.[2] The rates that RBOCs have been charging for call screening and call blocking features at the state level are far, far in excess of costs. For example, U S West charges ***$5.00*** per line per month for Fraud Protection service in Montana (Montana Tariff, § 5.5.7.D.3.a.), even though, according to its own cost support, fraud protection costs only ***$0.01*** per line per month. BellSouth's cost for central office blocking and screening in South Carolina is only ***$0.01*** per line per month. Yet, BellSouth charges ***up to $5.00 per line per month*** for its blocking and screening services.

In challenging these RBOCs' failure to federally tariff features that are ***already unbundled*** at the state level, APCC is trying to ensure that these services are available, at long last, at cost-based rates.

Rather than addressing the merits of the federal tariffing issue head on, the RBOCs have chosen to devote their opposition to, at best, disingenuous, and at worst, deceptive, pleading. The RBOCs attempt to confuse the issues before the Commission, just as they confused the issues before the Bureau in the CEI proceedings.[3]

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[2] Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89-79, Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, 6 FCC Rcd 4524, ¶¶ 38-44 (1991).

[3] For example, while the RBOCs acknowledge that LECs must file federal tariffs for unbundled features either "provided to others or taken by a LEC's operations, "Clarification Order, ¶ 18, cited in RBOC Opposition at 6, 10, they also claim that "CEI plans do not have to include federal tariffing for features that the LECs themselves do not use." Id. at 5. In other words, the RBOCs would apparently claim that while they could be in non-compliance with the federal tariffing requirements, they could still have valid CEI Plans, because they claim they only need to include in their CEI plans tariffed services used

(Footnote continued)

A. U S West

The RBOCs claim that APCC cannot challenge U S West's compliance with the federal tariffing requirement because the issue was not raised before the Bureau. Indeed, the RBOCs have the audacity to claim that, by challenging U S West's last-minute withdrawal of its federal CUSTOMNET tariff, which occurred one day before the April 15 deadline for having an approved CEI plan, APCC is attempting to "sandbag the Bureau." RBOC Opposition at 7. If anyone is trying to "sandbag" the Bureau, it is U S West. Not only did U S West circumvent public comment but it effectively prevented the Bureau from considering U S West's withdrawal of CUSTOMNET before the Bureau ruled on U S West's CEI Plan.

But in any event, APCC did raise before the Bureau the issue on which it now seeks a Commission ruling. The Bureau itself ruled, in the Clarification Order, that call screening services (a category that undeniably includes CUSTOMNET) are subject to federal tariffing. APCC had specifically argued to the Bureau that "the fact that a feature or function (such as call screening or answer supervision) that is especially useful to PSPs may also be available to other classes of customers should not prevent it from being federally tariffed." See Letter to Mary Beth Richards, Deputy Chief of the Common Carrier Bureau from Albert H. Kramer, dated March 27, 1997, at 2.

(Footnote continued)
by their own payphone divisions. However, they still have not specified which blocking and screening services are used by their payphone divisions. Therefore, even under the RBOCs' own analysis, the Commission would not be able to approve their CEI plans.

With respect to the merits, the RBOCs do not deny that CUSTOMNET is an unbundled feature. They merely claim that because CUSTOMNET is used by customers other than PSPs, it is not "payphone-specific." RBOC Opposition at 8.[4] As APCC's Application for Review painstakingly explained, in order to qualify as a feature that is not payphone-specific, the feature must be ***both*** "generally available to all local exchange customers ***and*** only incidental to payphone service." Clarification Order, ¶ 18 (emphasis added).

CUSTOMNET is not "incidental" but ***essential*** to PSPs. CUSTOMNET is critical to preventing fraud and establishing eligibility for per-call compensation.[5] Reconsideration Order, ¶ 94. Thus, CUSTOMNET clearly ***is not*** "incidental to payphone service" and ***is*** "payphone-specific." CUSTOMNET[6] is precisely the type of call screening and blocking service that the Bureau has already identified as "***payphone-specific.***"

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[4] U S West still fails to disclose what percentage of its PSP customers use CUSTOMNET, even though APCC has repeatedly stated that this is a statistic that is highly relevant to the "payphone-specific" issue. The statistic provided by U S West, i.e., the percentage of its total CUSTOMNET lines used by PSPs, is not as relevant to how important the CUSTOMNET feature is to PSPs.

[5] The other services identified by the RBOC Coalition as federally tariffed by U S West -- "Billed Number Screening, Call Blocking for 10XXX1+/10XXX011+, and International Blocking" (RBOC Opposition at 9) -- ***do not*** transmit screening codes that will permit IXCs to track payphone calls and to compensate PSPs on a per-call basis.

[6] The RBOCs falsely state that APCC "makes no effort to describe what CUSTOMNET does, or how the APCC or its members would use it." RBOC Opposition at 8. The APCC fully described CUSTOMNET and its importance to PSPs. APCC Application for Review at 7.

Clarification Order, ¶ 18 & n.49. The RBOCs' Opposition does not address these points at all.

B. NYNEX

The RBOC Coalition's response on behalf of NYNEX is simply non-responsive. RBOC Opposition at 9-10. Although the Coalition repeats the mantra that "the payphone orders do not require unbundling" (Opp. at 9, 10 n. 9), as discussed above APCC is not requesting unbundling, but only federal tariffing of services that are already unbundled. NYNEX does not address or even deny APCC's contention that the outward call screening and LIDPAL features of its PAL service are unbundled features subject to federal tariffing, because ordering them alters the charge for a PAL line.[7]

C. BellSouth

Although the RBOC Coalition characterizes APCC's challenge to BellSouth's federal tariffing compliance as "vague," the material attached to APCC's Application for Review specifically identified the call blocking and screening features that BellSouth failed to federally tariff.[8]

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[7] For example, NYNEX's rate for "Basic Public Access Line (BPAL)" service, with "Outward Call Screening (OCS)," is $17.72. NYNEX's New York Tariff, § 3.E.4. When NYNEX's "LIDPAL" fraud control service is added to BPAL service with OCS, NYNEX charges $19.80. Thus, NYNEX charges $2.08 more for the feature LIDPAL. NYNEX is required to federally tariff LIDPAL, and demonstrate that the $2.08 rate complies with the new services test.

[8] See Exhibit 4 to the Petition of the American Public Communications Council for Clarification or In the Alternative Reconsideration, CC Docket No. 96-128 (May 5, 1997), which is attached to APCC's Application for Review. Exhibit 4 includes the call screening and blocking provisions of BellSouth's South Carolina and North Carolina (Footnote continued)

The only point that is vague is ***why*** BellSouth has not complied. Although BellSouth has had numerous opportunities to explain why it is not federally tariffing its call blocking and screening features, only now, through the RBOC Coalition Opposition, does BellSouth begin to give an inkling of a rationale. According to the RBOC Coalition, the blocking and screening features have not been federally tariffed because they are neither "payphone-specific" ***nor*** "unbundled."[9]

These claims, offered with no further explanation, are utterly without merit. Since BellSouth's blocking and screening features are described in the payphone service provisions of BellSouth's state payphone tariffs, it is a total mystery how BellSouth can straight-facedly claim the features are not payphone-specific. But even if they were not provided in the state payphone tariffs, these blocking and screening features would be payphone-specific for the same reason as U S West's CUSTOMNET service -- they are extensively used by payphone providers to prevent fraud, they are (in the case of the screening feature) necessary to establish eligibility for compensation, and they were

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(Footnote continued)
payphone service tariffs. See South Carolina Tariff, §§ A7.4.4.A and B; North Carolina Tariff, §§ A.7.4.4.A and B. The call blocking and screening features of these tariffs are specifically described in the ex parte letters from John Beach and Marcus Trathen, which are also included in Exhibit 4.

[9] BellSouth has claimed that approximately 80 percent of its payphone affiliate's payphones are "smart" payphones, which use "dumb" line service. According to BellSouth's tariffs, its dumb line service does not include, for example, fraud protection services such as call blocking and call screening. Presumably, BellSouth's payphone affiliate uses fraud control measures. However, BellSouth refuses to explain how it can claim call blocking and call screening is "bundled as part of a basic payphone line." Indeed, if BellSouth ***did include*** blocking and screening with its dumb line service at no additional charge, APCC would not be raising this issue.

specifically identified in the Clarification Order as payphone-specific features subject to federal tariffing requirements.

As for the claim that BellSouth's blocking and screening services are "bundled," it is patently obvious that they are not. In South Carolina, for example, BellSouth charges an additional $1-3 per line per month for each blocking and screening option.[10] Several of BellSouth's other state tariffs similarly unbundle charges for blocking and screening options.

II. THE RBOCS DISCRIMINATE IN THE PROVISION OF SCREENING CODES NEEDED TO COLLECT PER-CALL COMPENSATION

The Bureau erroneously approved the CEI Plans despite the RBOCs' discrimination in the provision of screening codes.[11] The RBOCs provide a "27" screening

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[10] See, e.g., South Carolina Tariff, §§ A.7.4.5.A ($3.00 per line for outward call screening; $1.00 extra per line for outward call screening plus blocking; $1.00 extra for billed number screening).

[11] The RBOC Coalition states that the screening codes issue was not passed upon by the Bureau. Opp. at 12. That is irrelevant, since APCC specifically raised the issue before the Bureau. See, e.g., Comments of the APCC on Ameritech's CEI Plan at 15-17 (Jan. 3, 1997); Comments of the APCC on BellSouth's CEI Plan at 12-14 (Dec. 30, 1996) ("APCC's Comments on BellSouth's CEI Plan"). However, the Bureau did in fact rule on the screening code issue. See, e.g., The NYNEX Telephone Companies' Offer of Comparably Efficient Interconnection to Payphone Service Providers, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA -97-793, Released April 15, 1997 (CCB), ¶ 68 n.180 ("NYNEX CEI Order"); U S West's Comparably Efficient Interconnection Plan for Payphone Services, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-796, Released April 15, 1997 (CCB), ¶ 76 n.182, ("U S West CEI Order").

code with the "dumb phone/smart line" (or "coin line") service that is designed for and used predominantly by their own payphone operations. However, they provide a "07" screening code with the "smart phone/dumb line" (or "COCOT") service used primarily by independent PSPs. While the "27" code identifies a line as a payphone line, the "07" code merely indicates that a line is subject to call restrictions; it does not identify that a line is a payphone line. Screening codes that uniquely identify lines as payphone lines are required by the Payphone Orders.[12]

The RBOCs claim that the "07" screening code does not disadvantage payphones using "smart phone/dumb line" service. Opp. at 17, n.14. However, IXCs, such as AT&T and MCI, state that in order to permit IXCs to track calls for purposes of providing per-call compensation to PSPs, LECs must provide coding digits that specifically identify lines as payphones lines and not merely codes that identify that the lines have some sort of restrictions.[13] According to IXCs, they cannot accurately track calls unless digits unique to payphones are transmitted. If the IXCs' are correct, then when per-call compensation begins later this year, independent PSPs will experience enormous difficulties in collecting compensation, while LEC PSPs will not experience these difficulties. LEC

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[12] "Each payphone must transmit coding digits that specifically identify it as a payphone, and not merely as a restricted line." Reconsideration Order, ¶ 64. "All LECs must make available to PSPs, on a tariffed basis, such coding digits as part of the ANI for each payphone." Id.

[13] E.g. Ex parte letter from E.E. Estey, AT&T, to Regina M. Keeney, Chief, Common Carrier Bureau, FCC, CC Docket No. 96-128, dated May 23, 1997; Ex parte letter from Leonard S. Sawicki, MCI, to William F. Caton, Secretary, FCC, CC Docket No. 96-128, dated April 18, 1997; AT&T Corp. Comments on Consolidated Application for Review of CEI Orders, CC Docket No. 96-128 (July 2, 1997); see also Reconsideration Order, ¶ 64.

PSPs will have a substantial advantage over independent PSPs in collecting per-call compensation.

The RBOCs also claim that this service discrimination is not a CEI issue, because coin lines are formally available to both independent and BOC-affiliated PSPs, so that independent PSPs can avoid inferior and inadequate service by subscribing to a coin line. However, as detailed throughout APCC's comments on the CEI plans and the CEI Orders themselves, a coin line is rife with restrictions that favor RBOC PSPs over independent PSPs and deter independent PSPs from subscribing to coin lines. For example, call rating is available only at RBOC selected rates. APCC's Comments on Pactel CEI Plan at 10-12 (Feb. 12, 1997). Further, the OSP selected must be the RBOC. Id. at 12-13; APCC's Comments on BellSouth's CEI Plan at 15-16. Beyond this, subscription to the coin line requires the independent PSP to purchase additional RBOC network call-processing functions in lieu of the functionality available within the independent PSP's payphone equipment. APCC comments on PacTel CEI Plan at 2-4. It is the height of discrimination for RBOCs to provide adequate screening codes for compensation purposes ***only*** to those PSPs willing to use RBOC-selected calling rates; send 0- and 0+ calls to the RBOCs' operator service; and utilize the RBOCs' network coin control functionality.

The RBOCs also claim that the screening code issue is irrelevant here because the "OLS" proceedings in CC Docket No. 91-35 determined LEC obligations with respect to providing screening codes to PSPs. RBOC Opposition at 14 (referencing "FLEX ANI and LIDB/OLNS solutions" reached in the OLS proceedings). In fact, the OLS

proceedings were resolved before the Commission established new requirements through its Payphone Orders. While the OLS proceedings might have reached screening code solutions to fraud problems, the OLS proceedings did not address the requirements concerning per-call compensation, as the RBOCs concede. RBOC Opposition at 16 n.13. The requirement to provide unique codes for compensation purposes was established in the Payphone Orders, not in the OLS proceedings.

In any event, the issue of ***discrimination*** in the provision of screening codes ***must*** be addressed in the context of CEI plans, whether or not the contours of required services are addressed in 91-35 or 96-128. ***What*** type of screening code the RBOCs must offer for various purposes has been an issue in ***both*** 91-35 ***and*** 96-128. ***Whether*** the screening codes are being offered without discrimination is manifestly an issue to be resolved in the context of the CEI plans. In other words, even if the type of screening code currently offered with "COCOT" lines ("07") is adequate for fraud or compensation purposes, independent PSPs still suffer illegal discrimination to the extent that the "07" code is less efficient or more costly to IXCs than the "27" code and the inefficiencies or costs are passed through to the independent PSPs.[14]

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[14] The RBOCs also claim that the parties necessary to resolve the screening codes issue are not present in the CEI proceeding. Again, the question here is not ***what*** type of screening codes must be offered, but ***whether*** screening codes are being offered on a nondiscriminatory basis. All parties necessary to answer the discrimination question are here.

III. THE RBOCS MUST EXPLAIN THEIR SERVICE ORDER PROCESSING FOR REPLACEMENT PAYPHONES

Generally the RBOCs' CEI plans simply recite vague statements that they will treat all PSPs equally, including LEC PSPs, regarding service ordering procedures. The Bureau erred by failing to require the RBOCs to specify in sufficient detail the procedures that they will follow to ensure nondiscriminatory treatment of service order processing, especially where an RBOC payphone is displaced by an independent payphone (or vice versa). The Bureau erroneously held that this issue "is beyond the scope of the installation, maintenance and repair requirement. E.g., U S West CEI Order, ¶¶ 33, 35, 39.

The RBOCs claim in their opposition that the Commission's CEI rules only require that the time periods for service order processing must be the same for LEC and independent PSP service order requests.[15] Therefore, the RBOCs need not specify safeguards to protect against discrimination in payphone "replacement situations." RBOC Opposition at 18. However, this contradicts an earlier position taken by U S West. As U S

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[15] The RBOCs rely on language from a Computer III decision, 104 FCC2d 958, 1041 (1986), in support of their constricted reading of the Commission's CEI requirements. In the Computer III proceedings, however, the Commission was establishing safeguards against RBOC discrimination in the enhanced services industry, ***which the RBOCs were entering for the first time.*** Thus, in the Computer III context, there was no reason for the Commission to be concerned with RBOC discrimination in situations where RBOC enhanced service provider ("ESP") service was replacing independent ESP service, as compared to independent ESP service replacing RBOC ESP service, and therefore the Commission did not need to address the issue. In the PSP industry, on the other hand, the RBOCs dominate the market, and have a huge installed base, and therefore the RBOCs are in a position to discriminate against unaffiliated PSPs in payphone replacement situations. Thus, the RBOCs' reliance on Computer III is misplaced.

West has already conceded,[16] under the Commission's Computer III rulings, RBOCs' service order processing procedures must be the same for both affiliated and unaffiliated PSPs in all respects, and not just the amount of time it takes to complete installation.[17]

Discrimination by RBOCs against independent PSPs can occur in payphone replacement situations, for example, when an independent PSP orders service to a location to install a payphone replacing an existing RBOC payphone. RBOC service order processing personnel would not connect the independent PSP's new payphone without first checking to see if the RBOC payphone was under a contract.[18] When an RBOC payphone is replacing an existing independent payphone, on the other hand, RBOC personnel would connect the payphone ***without*** checking for an independent PSP contract.

BellSouth's Private Payphone Providers Handbook states that, when locations are under contract to BellSouth, service orders for a different PSP will be processed in the usual manner as long as disconnection of the existing BellSouth payphone is not requested. However, it is typically more convenient and economical to install a new payphone in the same place, and using the same network connection, as the payphone that is being

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16 Ex parte letter from Elridge A. Stafford, U S West, to William F. Caton, FCC, dated April 2, 1997, CC Docket No. 96-128 (admitting that under CEI rules, RBOC PSPs and independent PSPs "must take the *same* access to OSS services rather than *comparable* access") (emphasis in original) (attached as Exhibit 1).

17 Cf. Filing and Review of Open Network Architecture Plans, 5 FCC Rcd 3084, 3108, ¶ 43 (1990) (requiring direct access to service ordering procedures for independent ESPs, rather than indirect access, because RBOC ESPs had direct access).

18 While there might be disputes between an RBOC's payphone division and the location provider over whether an existing contract remained in force, such disputes should not prevent the connection of a new payphone.

replaced. If disconnection of the existing BellSouth payphone is requested, the Handbook provides that authorization for disconnection must be obtained from the "customer of record." In addition:

> No disconnection orders regarding contracted (BST) pay telephone accounts will be processed. BST disconnects contracted accounts only in strict accordance with the terms of the contract.

Handbook at 4-19. (An excerpt from the Handbook is attached as Exhibit 2.) In other words, BellSouth will not disconnect service to RBOC PSP payphones without approval from the RBOC PSP, the independent PSP's ***competitor***. However, RBOCs do not commit to extending the same procedures to independent PSPs; RBOCs could disconnect service to independent PSP payphones to install RBOC PSP payphones without approval from the independent PSP.[19]

Thus, BellSouth and the other RBOCs should be required to specify a single, nondiscriminatory procedure that will be followed regardless of the identity of the existing PSP. The Bureau erred by failing to require a complete explanation of service order processing procedures in these circumstances.

Ameritech claims that, in the post-Payphone Order environment, payphone replacement situations do not involve regulated service and therefore do not create a CEI issue. Ameritech Opposition at 5 (stating that conflicts are resolved "among the IPP, the premises owner, and Ameritech's unregulated payphone operations"). Ameritech is

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[19] An independent PSP -- but not an RBOC PSP -- can be subjected to ambiguous and conflicting directives and determinations as to who is the "customer of record," whether a valid authorization has been obtained, and, once obtained, whether it has any effect in permitting disconnection of BellSouth's payphone to allow the new payphone to at the same facilities.

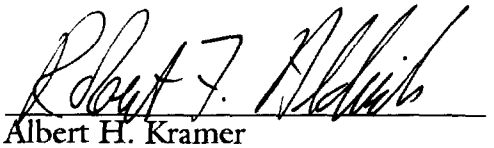
incorrect. While ***nonregulated*** personnel ***may*** choose to help resolve matters by physically removing the old payphone, in the event that they do not do so, it is ultimately up to the RBOC's regulated side whether to turn off service to the existing line and/or turn on service to a new PSP. Thus, nondiscriminatory service order processing with respect to replacing payphones ***is*** a CEI issue that must be addressed by the Commission. The Commission should modify the CEI Orders and require the BOCs to provide full detail on how they will handle payphone replacement situations.

IV. CONCLUSION

For the reasons discussed herein, the oppositions of the RBOC Payphone Coalition and Ameritech are without merit.

Dated: July 14, 1997

Respectfully submitted,



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April 2, 1997

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Office of Secretary

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222, SC-1170
Washington, DC 20554

RE: U S WEST's Comparably Efficient Interconnection Plan for Payphone Services, CC Docket No. 96-128

Dear Mr. Caton:

The purpose of this letter is to clarify that U S WEST's Comparably Efficient Interconnection Plan for Payphone Services (Plan) will require that U S WEST Public Services (USWPS) take the same indirect access to operation support system (OSS) services that will be provided by U S WEST (USW) to Independent Payphone Providers (IPPs). However, because it will require approximately three months to expand the indirect access capabilities to accommodate USWPS, USW respectfully requests that its Plan be approved by the original target date of April 15, 1997 with the condition that USWPS's access to OSS services will be the same as that of IPPs not later than July 1, 1997.

By way of background, USW developed its Plan in good faith with an understanding that *comparable* access by USWPS and IPPs to those OSS services identified in the Open Network Architecture/Computer Inquiry III (ONA/CI-III) orders[1] would satisfy Comparably Efficient Interconnection (CEI) requirements of the FCC's Payphone Orders.[2] To this end, USW has developed, at some expense, new electronic indirect access to OSS services for use by competing IPPs that is *comparable* to the direct access utilized by USWPS. This indirect access capability will be available for use by IPPs by April 15, 1997, the date by which USW hopes its Plan is approved. U S WEST recently learned that its understanding of the CEI requirements for access to OSS services was not correct. Early last week USW was directed by the FCC staff to a reference in the ONA/CI-III orders that provided additional guidance

[1] Filing and Review of Open Network Architecture Plans, 5 FCC rcd 3084 (1990)(BOC ONA Reconsideration Order), para. 26.

[2] Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Report and Order released September 20, 1996, Order on Reconsideration, released November 8, 1996.

in this regard.[3] As a consequence, USW now understands that, to be consistent with this reference, at this time USWPS and IPPs must take the *same* access to OSS services rather than *comparable* access as originally planned by USW. To meet this requirement, USWPS access to OSS services will be moved to the indirect access that was developed for IPP use. This move will be accomplished as soon as the capability to process USWPS requests can be added to the indirect access. Since USWPS specifications were not included in the original indirect access development effort, it will take approximately three months to make the necessary modifications that will enable the indirect access arrangement to accommodate USWPS. As soon as the necessary modifications to the indirect access are complete, and no later than July 1, 1997, USWPS will be moved to the indirect access arrangement.

Since the changes that would enable USWPS to use the indirect access arrangement cannot be made by April 15, 1997, to avoid delay of approval of its Plan USW respectfully requests conditional approval of its Plan by April 15, 1997. Under this conditional approval, until the indirect access is modified, USW will apply all other safeguards described in its Plan to assure nondiscrimination. These safeguards will ensure that no parties will be harmed during this short period by the conditional grant of USW's Plan.

Also at this time, USW wishes to make a minor correction to Exhibit B of its Plan. At the beginning of Exhibit B there is a section titled Tariff/Price List/Catalog References for Basic Services and Features. Page two of this section erroneously includes South Dakota (SD) and Wyoming (WY) in the list of states where Answer Supervision - Line Side is tariffed by USW. Attached to this letter is a new version of that page which corrects this error by excluding SD and WY from that list. Please replace the previous version of the above-mentioned page with the version that is attached to this letter.

In accordance with Commission Rule 1.1206(a)(1), two copies of this letter are being filed with you for inclusion in the public record.

Please call if you have questions.

Sincerely,

Elridge Stafford

Attachment
cc: Mr. Michael Pryor

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[3] 5 FCC rcd 3108, para. 43 (1990) BOC ONA Amendment Order.

Basic Features

Answer Supervision - Line Side

FCC	See Attached Illustrative Tariff
AZ	Exchange and Network Services Tariff
CO	Exchange and Network Services Tariff
ID-SO	Exchange and Network Services Catalog
IA	Exchange and Network Services Tariff
MN	Exchange and Network Services Price List
NE	Exchange and Network Services Catalog
NM	Exchange and Network Services Tariff
ND	Exchange and Network Services Catalog
OR-USWC	Exchange and Network Services Tariff
UT	Exchange and Network Services Tariff
WA	Exchange and Network Services Tariff

Blocking for 10XXX1+/10XXX011+

FCC	See Attached Illustrative Tariff
AZ	Exchange and Network Services Tariff
CO	Exchange and Network Services Tariff
ID-NO	Exchange and Network Services Tariff
ID-SO	Exchange and Network Services Catalog
IA	Exchange and Network Services Tariff
MN	Exchange and Network Services Price List
MT	Exchange and Network Services Tariff
NE	Exchange and Network Services Catalog
NM	Exchange and Network Services Tariff
ND	Exchange and Network Services Price Schedule
OR-MAL	Exchange and Network Services Catalog
OR-USWC	Exchange and Network Services Tariff
SD	Exchange and Network Services Tariff
UT	Exchange and Network Services Tariff
WA	Exchange and Network Services Tariff
WY	Exchange and Network Services Price Schedule

EXHIBIT 2

Disconnecting BellSouth Telecommunications Lines

BellSouth Contracted Accounts

A BST contract is a written agreement negotiated with the location provider for the provision of space for an BST public station.

No disconnection orders regarding contracted (BST) pay telephone accounts will be processed. BST disconnects contracted accounts only in strict accordance with the terms of the contract. Questions regarding BST contracted accounts should be directed to the Independent Payphone Provider Service Center (IPPSC).

Should an IPP wish to coexist with BST equipment, he may place a new service request in the usual manner.

Exception: Effective January 1996, BellSouth added an exclusivity clause to their contacct agreement. Coexist will not be possible. Please check with location customer.

Disconnect

BST will honor requests from a third party (agent) to disconnect BST service, not under BST written contract, when a properly executed Agency Authorization Agreement is submitted and there are no apparent discrepancies.

When a request to disconnect a BST line is received, it is our responsibility and desire to protect or ensure the rights of the customer of record.

We do acknowledge that there are some instances in which our records may not accurately reflect the current location provider. Therefore, we have established procedures that serve to protect the rights of the BST customer of record and also allow the IPP's request for disconnection to be handled as expeditiously as possible.

Authorization Discrepancies

A discrepancy occurs when the authorization to disconnect BST service is given by a company or individual other than those shown on the BST records. These discrepancies must be resolved before the disconnect order can be processed.

A due date for the installation of the public access line may be negotiated, even though a due date for the disconnection of the BST service cannot be scheduled until the discrepancy has been resolved. Requests for service for the IPP at these locations will be handled according to the guidelines outlined in this chapter for placing service orders.

continued on the next page