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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	
Pleading Cycle Established for Petitions to Waive Payphone Coding Digits Requirements	)))	CC Docket No. 96-128

COMMENTS

The National Exchange Carrier Association, Inc. (NECA) herein submits its comments in response to the Commission's Public Notice in the above-captioned matter.[1] In the Public Notice, the Commission seeks comment on three petitions for waiver from the requirement, established by the Commission in its *Payphone Orders,*[2] that LECs provide pay-phone specific coding digits to PSPs by October 7, 1997.[3]

NECA believes that good cause exists for waiver. The issues are technically complex and the potential impact on the industry, in terms of cost and network modifications, is extensive.[4] Equal access LECs will need at least an additional nine-month period to phase-in the necessary technology, to perform the necessary tests, and to establish arrangements for coordinating

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[1] *Pleading Cycle Established for Petitions to Waive Payphone Coding Digits Requirements*, Public Notice, CC Docket No. 96-128, DA 97-2214 (rel. Oct. 20, 1997).

[2] *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 20,541, 20,591, ¶¶ 98-99 (1996); Order on Reconsideration, 11 FCC Rcd 21,233, 21,265-66, 21,278-80, ¶¶ 64, 93-99 (1996); Second Report and Order, CC Docket No. 96-128, FCC 97-371 (rel. Oct. 9, 1997).

[3] Public Notice at ¶ 1.

[4] Letter to John B. Muleta, Deputy Chief, Common Carrier Bureau, Federal Communications Commission, from Michael K. Kellogg, Counsel, LEC ANI Coalition at 1 (Sept. 30, 1997) ("LEC ANI Letter").

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necessary signaling and database interchanges to ensure that the proper codes are transmitted and received by the IXCs for per-call compensation.[5] Time will also be needed for each LEC to develop and file tariffs reflecting these additional investments.[6] Even some RBOCs, with their significantly greater resources, do not believe that they could comply with the *Payphone Orders* as late as mid-April of 1998, let alone the hundreds of smaller independents.[7]

In addition, good cause exists to permit LECs to implement individual technological solutions for providing the necessary information for IXCs to track payphone calls.[8] As USTA points out, it would be impossible (or at the least extremely impractical) for all LECs to deploy a standardized technology to provide specific codes to identify payphone calls, especially inasmuch as significant differences can exist in LEC networks, and where the needs of the requesting carriers are different as well.[9] Allowing LECs to select the optimum technologies to satisfy these requirements would maximize efficiency and comport with the Commission's principles of technological neutrality.

USTA has also shown good cause for a waiver exempting LECs with non-equal-access switches from any requirement that they provide specific payphone identification information

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[5] USTA Petition at 4. *See also* TDS Petition at 2. Moreover, the Commission has not yet clarified the specific coding digit requirements as requested by one party, but states that it will address such issues in a subsequent order. *See* Second Report and Order, CC Docket No. 96-128, FCC 97-371 (rel. Oct. 9, 1997) at ¶ 133.

[6] *See* USTA Petition at 3.

[7] *See* LEC ANI Letter at 2-3.

[8] USTA Petition at 11.

[9] *See id* at 8.

until their switches are upgraded or replaced.[10] There are 172 NECA member companies in the traffic sensitive pool alone, with a total of 552 non-equal-access switches and an average of less than 450 lines per switch, who will be negatively impacted by the current requirement.[11] It would make little sense administratively and economically to force this many small LECs to make expensive upgrades without the necessary demand to offset these expenditures. As shown by USTA, requiring all companies with non-equal access switches to upgrade their network for these purposes could cost in excess of half a billion dollars.[12]

For all the foregoing reasons, the Commission should grant the petition for waiver submitted by USTA.[13]

Respectfully submitted,
National Exchange Carrier Association, Inc.

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October 30, 1997

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[10] *See id* at 3.

[11] 1997 NECA Market Access Survey, compiled by NECA's Tariff Group (publication pending).

[12] USTA Petition at 9, USTA *Ex Parte* at 4 (July 28, 1997) (attached). Such a waiver would also be consistent with the Commission's proposals in its *CIC Reconsideration Order*. *See Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)*, Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking, CC Docket No. 92-237, FCC 97-386 at ¶ 84 (rel. Oct. 22, 1997).

[13] Granting USTA's petition will also satisfy TDS' petition request, which asked for a waiver until July 1, 1997.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 30th day of October 1997, by mailing copies thereof by United States Mail, first class postage paid or by hand delivery, to the persons listed below.

By: Perry S. Goldschein
Perry S. Goldschein

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