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

JAN - 7 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Policy and Rules Concerning the )  
Interstate, Interexchange Marketplace )  
)  
Implementation of Section 254(g) of the )  
Communications Act of 1934, as amended )

CC Docket No. 96-61

COMMENTS  
OF  
THE RURAL TELEPHONE COALITION

The Rural Telephone Coalition ("RTC") hereby comments on the Petition for Further Reconsideration filed December 4, 1997, by the Telecommunications Management Information Systems Coalition (the "Coalition") and The Utility Reform Network ("TURN"). The RTC is comprised of the National Rural Telecom Association ("NRTA"), the National Telephone Cooperative Association ("NTCA") and the Organization for the Promotion and Advancement of Small Telecommunications Companies ("OPASTCO"). Together, the three associations represent more than 850 small and rural telephone companies. Public Notice of the Petition was given by the Commission's Public Notice of December 17, 1997, Report No. 2244, 62 Fed. Reg. 67072, December 23, 1997. The RTC generally supports the Petition, but considers the relief requested inadequate and advocates more extensive public rate information disclosure requirements.

Rural Telephone Coalition

January 7, 1998

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List A B C D E

## I. BACKGROUND

In the Commission's Second Report and Order, it required nondominant interexchange carriers to make information concerning "current rates, terms and conditions for all of their interstate, domestic, interexchange services available to the public in at least one locality during regular business hours.<sup>1</sup> The RTC, supported by Alaska and Hawaii, petitioned for reconsideration on the basis that the single disclosure location would be wholly inadequate to provide a meaningful source of information to the public, thereby substantially increasing the difficulties of enforcing Section 254(g). The RTC therefore proposed that the rate information should be available on line and in at least one public place in each state.<sup>2</sup>

Rather than correcting the inadequate public access to information necessary both to enforce Section 254(g) and for a competitive market to function, the Commission took a strong anti-consumer turn in the opposite direction and eliminated the disclosure requirement altogether.<sup>3</sup>

## II. THE COMMISSION SHOULD REINSTATE AND STRENGTHEN THE PUBLIC DISCLOSURE REQUIREMENTS

### A. The Commission's Decision Is Unlawful

As well stated and supported by the Petition of the Coalition and TURN, this reversal of

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<sup>1</sup> Second Report and Order (Order), In the Matter of Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96-61, FCC 96-424 (rel. October 31, 1996) at 47, para. 84.

<sup>2</sup> RTC Petition for Partial Reconsideration, at 5 (filed December 23, 1996).

<sup>3</sup> Reconsideration Order, para. 69

position was arbitrary, capricious and contrary to the public interest. It will deprive consumers of critical information, substantially reduce the ability to enforce the geographic rate averaging and integration provisions of Section 254(g), and do nothing to reduce the risk of tacit price coordination. The RTC is particularly concerned with the Section 254(g) because of the admitted interest of the adverse impact on interexchange carriers to avoid the restrictions imposed by that section, and because the rural subscribers of the RTC's member local exchange carriers will be the ones who will suffer from toll rate deaveraging. The Commission's decision represents a backdoor attempt to avoid the requirements of Section 10 of the Act which requires detailed findings prior to forbearance from enforcing any provision.

**B. Significantly Stronger Public Disclosure Requirements Are Necessary**

Petitioners' call for reinstatement of the public disclosure requirements points in the right direction, but would be inadequate to solve the problem. A consumer in a small town in northern Idaho is not much better off if he or she has to travel to Basking Ridge, New Jersey to determine whether the AT&T rate paid is the same for all geographic locations, than if the information were not available at all. The RTC's proposal for online and state-by-state posting would be of substantial benefit to consumers, yet impose only a de minimus burden on the multi-billion dollar interexchange carrier market. These sources would allow both individual consumers and consumer organizations such as the petitioners reasonable access to vital information. As well-described by the petitioners, without this information, it will be impossible for consumers to effectively utilize the Section 208 complaint process, because their complaints will be dismissed as undocumented.

III. CONCLUSION

The RTC urges the Commission to grant the petition for reconsideration with the additional step of requiring state-by-state posting of rate information in all states where a carrier offers service and posting on the Internet.

Respectfully submitted,

THE RURAL TELEPHONE COALITION

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January 7, 1998

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Comments of the Rural Telephone Coalition in CC Docket No. 96-61 was served on this 7th day of January 1998, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:

  
A handwritten signature in cursive script, reading "Gail C. Malloy", is written over a solid horizontal line.

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