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February 18, 1998

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 95-116, Telephone Number Portability

Dear Ms. Roman Salas:

This letter responds to a January 22 *ex parte* filing by the United States Telephone Association ("USTA") in the above-captioned docket. That filing included as an attachment a "statement" by Mr. John Dillard, President of the Monroe Telephone Company ("Monroe"), arguing, *inter alia*, that "LNP will benefit customers of a CLEC, not the ratepayers of Monroe."

This claim is the latest expression of incumbent LECs' oft-repeated view that local number portability ("LNP") will "only benefit CLECs." USTA's *ex parte* purports to speak for all telephone customers served by Monroe, dismissively announcing that their ILEC has decided on their behalf that it would not be in their interest to have the opportunity to choose among competing local exchange providers without giving up their current telephone numbers.

The clearest rebuttal to USTA's claim is that Congress already has determined that local exchange competition will provide significant benefits to American consumers. LNP is not a service that incumbent LECs deign to offer new entrants to local markets, but federal mandate intended to benefit telephone customers. Just last week the Commission rejected a similar claim by BellSouth "that section 272 has little direct bearing on consumer protection," finding that "Congress designed those safeguards to prohibit anti-competitive discrimination and cost-shifting while giving consumers the benefit of competition."¹

¹ Petitions For Forbearance From The Application Of Section 272 Of The Communications Act Of 1934, As Amended, To Certain Activities, Memorandum Opinion and Order, CC Docket No. 96-149, DA 98-220, released February 6, 1998, ¶ 92.

Moreover, USTA's assertion that LNP benefits only CLECs assumes that ILECs will never seek to win customers that were initially assigned a telephone number by a competing LEC, and will never seek to "win back" customers that chose to port their service to another carrier. In short, USTA assumes that ILECs should be shielded from the coming competition for local exchange customers. Congress has, however, already considered and rejected that state of affairs.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(2) of the Commission's Rules.

Sincerely,

A handwritten signature in cursive script, appearing to read "F. A. Rausch".

cc: M. Gordon
P. Forster
A. Rausch