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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
RULES PROMOTING)
EFFICIENT USE,)
FAIR DISTRIBUTION)
OF TOLL-FREE NUMBERS)

CC DOCKET NO. 95-155

Ex Parte Comments of Vanity International
And Petition to Stay 877 Implementation
Pending Reconsideration of the 8xx Plan

Loren C. Stocker, Managing Partner of Vanity International, hereby submits Ex Parte comments and a request to *stay 877 implementation pending reconsideration of the 8XX plan* on behalf our firm, our clients, and the general public.

Our company is uniquely positioned to view the impact of this launch as we consult to both large, Fortune 500, companies and small companies that subscribe to 800 service. Recently, we launched 800-SoftLinesm and SoftLinesm Studios which are dedicated to the deployment and development of multi-channel commerce. The SoftLinesm enterprise is basically an incubator for baby businesses aspiring to become the next 800-Flowers, each employing branded toll-free numbers, Internet domain addresses, and interactive services. During the last 5 years, we've explored toll-free application and "ownership" on a daily basis and have first-hand experience with the pitfalls of the 8XX SAC plan and the inherent confusion it creates.

We wish to add our support for ResponseTrak's motion to defer 877 implementation and incorporate our past comments by reference, specifically *Comments of Vanity International and Reply Comments of Vanity International (1995)*, *Ex Parte Comments of Vanity International (1996)*, *Petition for Stay and Reconsideration (1997)*, *Reply*

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Comments of Vanity International on Petition (1997), Further Ex Parte Comments on Toll-Free Service Access Codes (1997), and Reply Comments on Toll-Free Service Access Codes (1997)

Implementation of the 8XX plan, currently 877, has taken on Titanic momentum and no one at the Commission has ever stopped to question the "Industry's" motives. Yet, it was "the Industry" -- in our view -- that created the shortage by their "appetite for somewhat frivolous assignments," as suggested in *Comments of Vanity International (1995)*.

For those in denial, we've attached a recent advertisement from the New York Times* offering "free" 800/888 numbers in the same way banks offered toasters in the 1960's. A&T, MCI and others also offer "free" 800 numbers if you switch long distance services. In truth, these "free" numbers are dedicated, personal, unportable 800/888 numbers that serve no other purpose than to access a pager or to reverse the billing when children call home. Millions** of 800/888 numbers are wasted on application that only require function equivalence. Consequently, national advertisers are denied 800 numbers so that little Joey can phone home on a whim.

We contend that the mixed-use, commingled 8XX plan was a bad idea from the start. Now, there is an abundance of proof. We fear, though, that the Commission has been swept away by an overzealous industry that can afford daily visibility in Washington. Yet, nowhere have end-users been so underrepresented as in the working committees of "the industry" that crafted the 8XX toll-free plan. The 8xx plan was presented *a fait accompli* in Docket 95-155 before those most affected were first asked to comment.

In our initial *Comments of Vanity International (1995)* we endorsed the creation of mnemonic SAC like SKY, FAX, USA, and others that we felt would be "immensely more desirable than mixed-use, non-sensical numerics" adopted in the 8XX plan. We fully

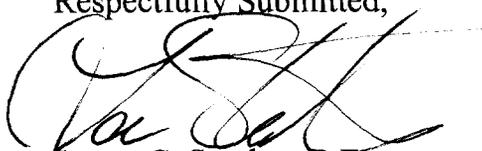
*Petitioner added the text, "Waste all you want.. We'll make more," tongue and cheek, but the fact is that over one million** 800 numbers -- almost 20% of the total -- are held just by the three largest paging services.

support ResponseTrak's recommendation that 800, and now 888, numbers be restricted to "Enterprise" and, generally, "many-to-one" use. Our differences lay in the area of what to do with the "frivolous assignments" that exist today and in which domains would be created and populated next.

We believe that the time has come to end this public experiment, take a breath, and put "the industry's" plan itself up for review and reconsideration in a public forum where the views of those most effected -- toll-free end users -- can be fully expressed and given due consideration. We, therefore, request that the Commission Stay 877 implementation until the 8XX plan, proposed alternatives (Vanity International, ResponseTrak, and all others), and related issues be put up for public comment. From this open, public debate an agreeable solution will emerge that takes into account the needs of all stakeholders.

Further, if the Commission is pressured by "the Industry" to move forward the 8xx plan during the public comment period, we hereby request that the all protected 888 numbers be immediately suppressed in 877 as well, pending FCC action on these larger issues. Alternately, immediate relief is available by extending portability to the 500 and/or 700 SACs -- domains are already designated as personal use -- with the same vigor "the industry" seems to have for launching 877.

Respectfully Submitted,



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**see petitioner's footnote*

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