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April 20, 1998

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OFFICE OF THE SECRETARY

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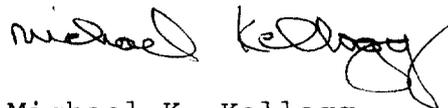
Re: In the Matter of Implementation of the Pay
Telephone Reclassification and Compensation
Provisions of the Telecommunications Act of
1996, CC Docket No. 96-128

Dear Ms. Salas:

Please find enclosed for filing an original and four copies
of the RBOC/GTE/SNET Payphone Coalition's Opposition to APCC's
Petition for Reconsideration in the above-captioned proceeding.

Please date-stamp and return the extra copy provided to the
individual delivering this package.

Sincerely,



Michael K. Kellogg

Enclosures

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
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APR 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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

THE RBOC/GTE/SNET PAYPHONE COALITION'S
OPPOSITION TO APCC'S
PETITION FOR RECONSIDERATION

The RBOC/GTE/SNET Payphone Coalition hereby opposes APCC's Petition for Reconsideration (April 8, 1998). In its Memorandum Opinion and Order of March 9, 1998, DA 98-481 ("March 9 Order"), the Common Carrier Bureau made clear that "LECs are required to provide payphone-specific coding digits only from those payphones connected to tariffed payphone lines." March 9 Order, ¶ 33. The Bureau's reasons for its decision were clear, and clearly stated: To require that LECs "provide payphone-specific coding digits to a plethora of different types of LEC service lines, would be unduly burdensome" and would "result in increased complexity and possibility of error in identifying payphones." Id.

The Bureau's decision is correct beyond question. A significant cost in the implementation of Flex ANI is the line-side and trunk-side translations work that must be performed in the end office to implement required line class codes associated with Flex ANI digits. See Ex Parte of U S WEST, Inc., BellSouth Petition to Establish New Rate Element to Recover Pay Telephone Digit Transmission Costs, CCB/CPD File No. 98-4 (filed February 27, 1998); see also Letter of Michael K. Kellogg to Rose M. Crellin, Pay Telephone Reclassification

and Compensation Provisions of Telecommunications Act of 1996, CC Docket No. 96-128 (filed March 4, 1998) (noting that members of the LEC-ANI Coalition anticipate more than \$50 million in additional expenditures to complete trunk-side translations work for all IXC trunks). To require that FLEX ANI be implemented for additional types of lines would indeed greatly increase the costs and complexity of FLEX ANI implementation. U S WEST has thoroughly quantified and documented the expected costs in several of its states of operation. See Opposition of U S WEST Communications (filed April 20, 1998) (declaration of Candace A. Mowers). The Coalition firmly supports U S WEST on this score.

APCC has no answer to this concern. It insists lamely that there may be some switches -- even in those few states that permit use of a business line for payphone service -- that do not support payphones connected to business lines. But this suggestion (which is utterly unsupported by facts) is irrelevant. It is hardly unrealistic to expect that where such business lines are made available to support payphones, some IPPs' will avail themselves of that service if FLEX ANI is available. Presumably, that is the whole point of APCC's Petition.

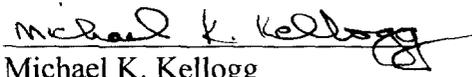
Not only did the Bureau amply demonstrate its reasons for its original decision, but also APCC offers no valid reason for the Bureau to revisit that decision. APCC claims first that the March 9 Order conflicts with the Commission's Reconsideration Order. It does not. The Reconsideration Order "decline[d] to require PSPs to use COCOT lines . . . because we have previously found that COCOT service is not available in all jurisdictions." Order on Reconsideration, Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, 11 FCC Rcd 21233, 21266, ¶ 64 (1996). This provision cannot be read to require the provisioning of FLEX ANI on all lines that might

possibly be connected to a payphone; rather, it makes clear merely that payphone specific digits must be available to independent PSPs in every State. Of course, the March 9 Order in no way calls that principle into question.

APCC's claim that the March 9 Order is in tension with the requirement that incumbent LECs make retail services available for resale, see 47 U.S.C. § 251(c)(4), is similarly baseless. Questions concerning the application of the 1996 Act's resale duty to the provision of payphone lines are, of course, to be resolved in the context of state arbitration proceedings pursuant to section 252 in the first instance. But the resale obligation in all events cannot be used as an excuse for forcing an incumbent LEC to create a service that it does not offer. To the contrary, the Commission has noted that "[t]he 1996 Act does not require an incumbent LEC to make a wholesale offering of any service that the incumbent LEC does not offer to retail customers." First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 15499, 15934, ¶ 872 ("Local Competition Order"), modified on reconsideration, 11 FCC Rcd 13042 (1996), vacated in part, Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), cert. granted, 118 S. Ct. 879 (1998). To the Coalition's knowledge, no LEC makes available FLEX ANI on business lines. To cite the resale obligation as a basis for forcing LECs to offer such a service therefore fundamentally misconstrues the nature of that obligation.

For the foregoing reasons, APCC's Petition for Reconsideration should be denied.

Respectfully submitted,



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April 20, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 1998, I caused copies of the foregoing the RBOC/GTE/SNET Payphone Coalition's Opposition to APCC's Petition for Reconsideration to be served upon the parties on the attached service list by first-class mail.


Marilyn R. Leeland

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Implementation of the Pay Telephone Reclassification and
Compensation Provisions of the Telecommunications Act of 1996
CC Docket No. 96-128, Second Report and Order

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