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EX PARTE OR LATE FILED

Chairman William E. Kennard
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, DC 20554

**Re: Policy and Rules Concerning the Interstate, Interexchange
Marketplace, CC Docket No. 96-61, Ex Parte Presentation**

Dear Chairman Kennard:

The National Association of Attorneys General Consumer Protection Committee Telecommunications Subcommittee (the "Attorneys General") wishes to express its concerns with the Federal Communications Commission's decision to eliminate its requirement that carriers disclose their rate and term information for mass market long distance services to the public upon request. The Subcommittee supports the Petitions for Reconsideration filed on December 4, 1997 in this proceeding by The Utility Reform Network and the Telecommunications Management Information Systems Coalition ("TURN/TMISC") and by the Telecommunications Research and Action Center, Consumer Action and the Consumer Federation of America ("TRAC/CA/CFA") that seek to reverse this decision.

The Attorneys General are the chief state law enforcement officers responsible for prosecuting violations of consumer protection laws. We have a unique role in maintaining the integrity of competitive markets while protecting consumers from fraud and deceptive practices. The Attorneys General are particularly focused on telecommunications regulation that affects the ability of consumers to obtain information and to protect themselves from unfair practices by carriers.

The Attorneys General do not disagree with the FCC's decision to detariff long distance services. In fact, this action will eliminate the anti-consumer effects of the filed rate doctrine defense used by some carriers to avoid liability for certain unfair or deceptive practices.

At the same time, however, consumers and small businesses must have access to rate information in order to make informed service decisions and to protect themselves from unfair or

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unlawful practices. The elimination by the Commission of a public disclosure requirement for long distance carriers deprives consumers of vital information and, in the Attorneys General's view, should be reconsidered and revised.

A requirement that carriers must make rate and term information available to the public upon request will serve important public interest objectives. First, consumers -- principally residential and small business customers -- receive needed assistance making informed service selections. Second, consumers themselves can help police and enforce various statutory and regulatory requirements, particularly the important rate averaging and rate integration requirements set forth in Section 254(g) of the Communications Act. Without complete information available to the public, there is no easy way to independently confirm, for example, that residents in remote or rural areas are being properly charged by carriers.

Advertisements, marketing materials and information available through the carriers' billing processes simply are inadequate to serve these important objectives. Carriers advertise only the plans they are currently marketing, which may not include other available plans that may better fill the needs of individual customers. Further, even the subset of information that is advertised can be woefully misleading. One example of this (cited by other participants in this proceeding) is Sprint's recent "Lemon Award" for a promotional campaign chosen as one of the most misleading and unfair advertising campaigns of 1997. Finally, information provided in the billing process is available only to existing customers and does not help customers seeking to make an initial service decision or a decision to switch carriers.

The prompt reinstatement of the public disclosure requirement will service these important functions without creating the problems -- such as application of the filed rate doctrine to the detriment of customers -- that arise from a formal tariff filing with the FCC. The Attorneys General urge the Commission to expeditiously grant the petitions for reconsideration filed by TURN/TMISC and by TRAC/CA/CFA.

Sincerely,



RICHARD BLUMENTHAL
CHAIR