MCI Telecommunications Corporation
1801 Pennsylvania Avenue, NW
Washington, DC 20006
202 887 2380
FAX 202 887 3175
VNET 220 2380
2181493@MCIMAIL.COM
MCI Mail ID 218-1493

Karen T. Reidy
Attorney
Federal Law and Public Policy

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 12, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, DC 20554

Re: In the Matter of Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77; MCI Request for Waiver

Dear Ms. Salas:

On June 5, 1998, MCI Telecommunications Corporation (MCI) filed a Petition for Waiver in the above-referenced docket, asking the Commission to grant MCI additional time to comply with Sections 64.703 and 64.710 of the Commission's Rules, adopted in the Commission's Second Report and Order on Reconsideration, FCC 98-9, released January 29, 1998.

In the enclosed document, MCI amends its petition to clarify that a waiver is requested for MCI Telecommunications Corporation and its common carrier affiliates Teleconnect Company and SouthernNet, Inc. d/b/a/ Telecom USA, and MCI International, Inc.

Please contact me if you have any questions.

Sincerely,

Karen Reidy

Karen T. Reidy

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JUN 12 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Billed Party Preference for InterLATA 0+ Calls	)	CC Docket No. 92-77
	)	
	)	

AMENDED MCI PETITION FOR WAIVER

MCI Telecommunications Corporation and its common carrier affiliates, Teleconnect Company and SouthernNet, Inc. d/b/a Telecom USA, and MCI International, Inc. (hereinafter referred to as "MCI") hereby request a waiver[1] of the July 1, 1998 implementation date of Sections 64.703 and 64.710 of the Commissions Rules, adopted in the Commission's Second Report and Order on Reconsideration (Second Reconsideration), FCC 98-9, released January 29, 1998[2].

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[1] Pursuant to 47 C.F.R.§ 1.4. Under the Second Reconsideration, the Commission standard for considering waiver requests is a specific factual showing of good cause. See. ¶ 27.

[2] MCI notified the Commission of its intent to file for a waiver in its comments supporting the petition filed by Cleartel Communications, et al, requesting reconsideration and clarification of the new rules. MCI Comments, CC Docket No. 92-77, May 6, 1998.

INTRODUCTION

The Second Reconsideration requires that Operator Service Providers (OSPs) offer consumers the option of obtaining rate information on interstate, domestic, interexchange 0+ calls from aggregator phones[3] by July 1, 1998. The rules define "consumer" as the party initiating the call using operator services.[4] If the call is a collect call, the rules define "consumer" to include the party on the terminating end of the call as well.[5] While MCI could implement a rate quote option into its operator services call flow if the rate quote is made solely to the originating party on all 0+ calls, technical reasons prevent MCI from implementing these new requirements to include a rate quote to the terminating party of a collect call and the billed party of a prison inmate call within the July 1998 time requirement. Offering a rate quote to these parties requires a major change to MCI's operator network call flow, major software development and a significant amount of testing time.

The Commission, recognizing that OSPs who use "store and forward" technology would need additional time to implement these requirements, granted those OSPs until October 1, 1999 to modify or replace their equipment. However, as discussed below and exemplified by the number of petitions[6] filed for reconsideration or clarification, other OSPs, including MCI, also

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[3] 47 C.F.R. §§ 64.703(a)(4) and 64.710(a)(1).

[4] 47 C.F.R.§ 66.708(d).

[5] Id. For operator services for prison inmate phones, the consumer is defined only as the party being billed for the call. 47 C.F.R.§ 64.710.

[6] Cleartel, et al, One Call Communications, Inc., Ameritech, BellSouth, U S West filed petitions with the FCC outlining the technical difficulty in implementing the Commission's new rules. MCI and LCI filed comments on these petitions.

face significant technical hurdles in implementing these rules . To the extent that the Commission does not extend the compliance date for all OSPs to October 1, 1999[7], MCI requests a waiver of the July 1998 date requirement, to allow MCI until July 1, 1999 to implement the new rules as they apply to the called consumer[8] of a collect call and until November 1, 1998 for consumers of prison inmate calls.

ARGUMENT

A. Collect Calls

MCI developed its operator network with the capability to transfer callers to a live operator at any time. MCI is taking the necessary steps to create an announcement at the beginning of each call stating the following message: "For rate information, press '0' now, or stay on the line for operator assistance." Due to the fact there is no complex call flow or software development necessary, this offer can and will be implemented by July 1998.

Beyond a communication to initially accept or deny charges, MCI's network has never offered the receiver of a collect call the ability to access a live operator. The party placing a collect call usually has a relationship with the called party that provides an inherent motive to

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[7] MCI supports the joint petition filed by Cleartel Communications, Inc., et al, seeking an extension of the date by which facilities-based OSPs must comply with the rate disclosure requirement until October 1999, the date by which OSPs using store-and-forward OSPs must comply. See. MCI Petition at 1. MCI opposed the petitions filed by a number of local exchange carriers (LEC) requesting that the rate disclosure requirements not apply to LECs and/or providers of intraLATA interstate non-access code calls. See, MCI Petition at 3.

[8] Based on the Commission's definition of consumer, MCI does not believe the OSPs are required to provide rate quotes to the party accepting the charges for a third party billed call by July 1998. If the rules are interpreted to require rate disclosure to this party, MCI requests a waiver for implementation of this as well.

protect the called party. Therefore in order to prevent further delay to the parties of the call, MCI's current systems were developed to allow the collect/third party receiver only to accept or deny charges. The originating party has the ability to place the call through a live operator, which would allow the terminating party to communicate with the live operator.

Development is underway that will allow the called party be given the option to acquire operator assistance concurrent with the option to accept or deny charges. Operator intervention may consist of rate quote assistance provided by a general operator, foreign language operator, or Customer Service Agent. Upon production availability, this initiative will allow MCI to provide rate quote offers to Third Party billed customers and Collect customers in all circumstances.

In order to provide the rate quote to such customers, MCI's switches must be modified to support the following features:

a) the capability to transfer a terminating party to a live operator upon request;

b) the capability to connect the terminating party to a live operator;

c) the capability to allow the terminating party to interact with the live operator without disrupting the call flow; and

d) instructions to be given to the terminating party to hold for operator assistance;

This will require additional delivery and loading of software onto the switch[9], software and hardware modifications to the intelligence of the switch[10], and the addition of Automated Response Unit (ARU) scripts[11], and additional enhancements to the switch[12] such as update for the voice scripts and responses[13] .

It has taken twenty-four months to deliver this capability to our 1-800-COLLECT service. Since our 0+ service has totally separate call flows and routing in the network, we will need almost the same amount of time to develop, schedule and test the technology to implement this capability for our 0+ collect calls. MCI has prior commitments to customers, state and local service requirements (such as busy line emergency interrupt service), and Year 2000 requirements

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[9] Currently the capability to transfer a terminating party to a live operator is not supported by the network. However, with the implementation of the "call park" feature, the Intelligence Service Network (ISN) will now have the capability to 'bridge in' various parties throughout the life of an automated or manual assisted call. This capability will allow customers to receive timely information and assistance regarding rate quotes and complex services available on the platform.

[10] Currently in the call flow, there is no point in which the terminating party can interact with a live operator. If the terminating party is unfamiliar with the product services or responds with an unrecognized or invalid input during billing verification, it is likely that charges for the call will be denied. In order to satisfy the FCC requirements for rate quote, the Automated Call Processor (ACP) will need to provide operator assistance access to the terminating party during billing verification for collect and third party calls.

[11] Three scripts will be added to the billing verification process. The first script will inform the terminating party that operator assistance is available. The second script indicates the date entry required to reach the operator. The last script played will allow for a unique branding message such as "for assistance provided by MCI" prior to the transfer.

[12] Currently the switch does not provide the capability to transfer a terminating leg to a manual position when assistance is requested. Therefore, the 'call park' feature will be utilized to connect the terminating party with a live operator upon request.

[13] To ensure information regarding the 'parked' party is maintained, a new Call Park Service (CPS) or 'parking attendant' will be provided. This 'attendant' will house and maintain 'parking' information needed for another agent to retrieve the call.

that are all competing for the same development resources. MCI is diligently implementing a system to give the receiver of collect calls the option to receive rate information, but additional time is needed and as explained below, the harm to consumers during this time is limited.

The FCC's concern when issuing the Second Reconsideration was to protect consumer from excessive charges by ensuring that they are aware of their right to ascertain the specific cost for such calls and the ability to hang up before incurring any such charge[14]. MCI's rate quote to the calling party of a collect call substantially addresses this concern.

The Commission specifically refers to the number of complaints, regarding the level of interstate rates and services of OSPs, it has had to process in providing justification for the additional oral branding[15]. MCI has received less than twenty consumer complaints in the last six months on its 0+ collect calls. This demonstrates the success of MCI's current consumer education initiatives, and lack of harm to the consumer while the additional branding requirements are being implemented.

In addition, it is clear from the Second Reconsideration that MCI was not the cause of the concern the Commission was addressing when it issued the Order - consumers being billed unexpectedly high charges.[16] This is demonstrated by the fact that the Commission considered establishing benchmarks that would be tied to rates of the three largest interstate, interexchange

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[14] See, Second Reconsideration, ¶ 62.

[15] Second Reconsideration, ¶ 9. The Commission states it processed 4,132 complaints about the level of interstate rates and services of OSPs. Id.

[16] See Id., at ¶ 34.

carriers, MCI being one of those carriers.[17] While this solution was rejected due to concerns regarding denial of equal protection of the law, federal agency approval of collusive price-fixing, "over- regulation" and possible stifling of rate competition,[18] there was no expressed concern that MCI was charging excessive rates.

Furthermore, it is important to recognize the system that will support this rate quote service will touch many additional systems. Therefore, it is crucial that implementation be accurate and properly tested, not rushed. Software for each segment must be assessed, designed, and tested before implementation to the network and sufficient time must be allotted to fix any unforeseen problems. An error at any of the multiple stages could have a domino effect on the other systems, resulting in major customer impact such as inaccurate billing.

B. MCI Inmate Services

MCI provides inmate services around the country. Although the implementation of the new rate quote rules for prison inmate services do not involve as complex and monumental a switching development as the collect call service, with the numerous amount of inmate sites that MCI has, the development changes will require a lengthy period in order to test and execute an implementation plan to minimize the impact to consumers. For each of our inmate platforms, MCI, at a minimum, must perform the following in order to comply with the new rules:

1. Identify interstate calls as the call is being placed. This is usually a function that only needs to take place during the billing process. There are two options: build in V&H

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[17] See Id., at ¶¶ 6, 29 and 31.

[18] Id., at ¶¶ 31-33.

coordinate type tables into each platform for each site, or build a list of intrastate area codes per each site. Either solution will require development to implement and maintain.

2. Create new voice scripting and have the equipment vendor integrate this new scripting into the already existing scripting.

3. Test each application and set an implementation plan for each site.

MCI Inmate Services currently uses six different equipment vendors to provide inmate call control for collect 0+ calling, two of which claim they are store-and-forward companies. MCI therefor has until October 1, 1999 to comply with the rules for the sites where service/equipment is provided by these vendors. For the sites supported by the other four vendors, MCI requests a waiver until November 1998 to comply with the new rules.

MCI expects the state commissions to begin requiring this same type of scripting for local and intrastate calls. The ideal solution is to have rate tables built for Day, Evening, Night and mileage bands for local/intralata/interlata intrastate/interstate calls. MCI would like to implement a solution that would suffice for all of these future expected issues instead of redesigning the applications again in the future.

All the vendors own the intellectual property license for the software and are solely responsible for the upgrades and the voice scripting. This places MCI at the mercy of the time schedule of the equipment vendor to deliver. The vendors had initially informed MCI that they would have one solution for all of the above calls implemented by July 1998. That original estimate proved overly optimistic. Once it became apparent to MCI that the vendors would not have this solution implemented by July, MCI requested that the vendors implement a maximum rate quote voice script in the interim. Given the limited staff and dated architecture of the

vendors, MCI is not confident this voice script can now be implemented by July and therefore requests a waiver until November 1998.

MCI's inmate services are tariffed and are priced competitively with other major carriers and are not excessive. MCI does not charge Property Imposed Fees (PIFs) for our inmate services that use one of our inmate platforms.

CONCLUSION

MCI is extending great effort to offer the calling party of a 0+ call a rate quote as required by the new rules. MCI is working diligently to revise its systems to enable the terminating party and consumers of prison inmate calls to receive a rate quote as well, but will need more time to address the technical obstacles in implementing these options. Consumers will not be harmed by the Commission's grant of a waiver extending the date by which MCI must comply. The Commission should therefore grant a waiver extending MCI's time to comply with the new rules as they apply to the terminating party of a collect call until July 1, 1999 and as they apply to the consumers of prison inmate services until November 1, 1998.

Respectfully submitted,

MCI Telecommunications Corporation and
Its Common Carrier Affiliates,

By: Karen Reidy

Karen T. Reidy
Mary L. Brown
1801 Pennsylvania Ave., N.W.
Washington, DC 20006
(202) 887-2380
Its Attorneys

Dated: June 12, 1998

CERTIFICATE OF SERVICE

I, Sylvia Chukwuocha, do hereby certify that copies of the foregoing Amended MCI Petition for Waiver were sent by first-class mail, postage prepaid, to the following on the 12th day of June, 1998:

Kathryn C. Brown Chief*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Lawrence Strickling*
Office of the General Counsel
Federal Communications Commission
1919 M Street, N.W., Room 658
Washington, D.C. 20554

Robert Spangler, Deputy Chief of*
Enforcement Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, N.W., Room 6010
Washington, D.C. 20036

International Transcription Service Inc.*
2100 M Street, N.W., Suite 140
Washington, D.C. 20554

Kathryn Marie Krause
U.S. West, Inc.
1020 19th Street, N.W.
Suite 700
Washington, D.C. 20036

John M. Goodman
Bell Atlantic Telephone Companies
1300 I Street, N.W.
Washington, D.C. 20005

M. Robert Sutherland
Theodore R. Kingsley
BellSouth Corporation
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

Gary L. Phillips
Ameritech
1401 H Street, N.W.
Suite 1020
Washington, D.C. 20005

Randall B Lowe
Piper & Marbury L.L.P.
1200 19th Street, N.W.
Washington, D.C. 20036

Dana Fox
Kathleen L. Greenan
Swidler & Berlin Chartered
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Richard H. Rubin
Mark C. Rosenblum
Peter H. Jacoby
AT&T Corporation
295 North Maple Avenue
Basking Ridge, NJ 07920

Albert H. Kramer
Robert F. Aldrich
Jacob S. Farber
Dickstein, Shapiro, Morin
& Oshinsky
2101 L Street, N.W.
Washington, D.C. 20337-1526

Christopher A. Holt
Yaron Dori
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2608

Anita Cheng*
Common Carrier Bureau
2025 M Street, N.W.
Room 6334
Washington, DC 20554

* HAND DELIVERED *

Sylvia Chukwuocha