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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: Ex Parte in CC Docket No. 96-115

Dear Ms. Salas:

Pursuant to staff requests, the Association of Directory Publishers ("ADP") hereby presents evidence (1) that the overwhelming majority of states have failed to address subscriber list information ("SLI") pricing; and (2) that almost all SLI purchased by independent directory publishers originates from the RBOCs and GTE.

No state currently regulates LECs' SLI pricing. According to an ADP membership poll, only five states --Florida, Louisiana, Mississippi, Kentucky, and California-- have tariffed SLI. All but California, however, only regulate selected LECs' SLI pricing; all other LECs' and CLECs' SLI is unregulated. Florida, for example, regulates only BellSouth's provision of SLI. Moreover, a few states have affirmatively declined to regulate SLI, including Delaware, Wisconsin, and North Carolina. This failure by states to regulate SLI pricing demonstrates that federal intervention is imperative. As ADP repeatedly has stated, a federal requirement of cost-based SLI pricing will ensure robust competition in the directory publishing industry.

A recent survey of ADP's membership revealed the extent to which independent directory publishers purchase SLI from the RBOCs and GTE. 82.8% of ADP members surveyed said they purchase 80% or more of their listings from the RBOCs and GTE. 58.6% said they purchase 100% of their listings from the RBOCs and GTE. By contrast, only 1.7% said they purchase all their listings from non-RBOC/GTE ILECs. Thus, the vast majority of independent publishers' SLI originates with the RBOCs and GTE.

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The fact that most independent publishers purchase the majority of their SLI from the RBOCs and GTE underscores the importance of SLI pricing. When ILECs establish grossly inflated SLI rates, they thwart the development of competitive directory publishing markets. For example, according to the ADP membership survey, 87.2% of publishers who purchase SLI stated that cost is the determining factor not to publish all listings. In other words, the high cost of SLI is preventing independent publishers from creating complete directories, further demonstrating the need for Commission action.

Please contact the undersigned or David Goodfriend at (202) 328-8000 if you have any questions.

Sincerely,



Michael F. Finn

cc: Jay Atkinson
Dorothy Attwood
Douglas Galbi
William Kehoe
David Konuch
Tanya Rutherford
James Schlichting