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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 21, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M St. NW  
Washington, DC 20554

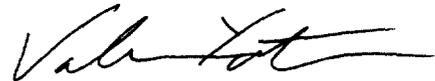
**ORIGINAL**

Re: *Ex Parte* Presentation in CC Docket No. 96-61

Dear Ms. Salas:

On September 18, 1998, Hank Levine, Jim Blaszak and I met with Kathryn Brown, Lawrence Strickling, and Katherine Schroder, Common Carrier Bureau Office of the Bureau Chief, on behalf of the Ad Hoc Telecommunications Users Committee, the California Bankers Clearinghouse Association, the New York Clearing House Association, ABB Business Services, and The Prudential Insurance Company of America to discuss the above referenced proceeding. In the meeting, we encouraged the Commission to deny pending petitions for reconsideration of the August 1997 Order on Reconsideration in this docket. As we stated in our Opposition to Petitions for Further Reconsideration, dated January 7, 1998, we support the Commission's decision to eliminate the requirement that nondominant interexchange carriers make publicly available the rates, terms and conditions for their services. In light of the Supreme Court's decision in *Central Office Telephone*, we believe it is imperative that the Commission conclude this proceeding so that the appeal of the Second Report and Order may be addressed by the court. A copy of the talking points used in this meeting is attached. An original and one copy of this *ex parte* presentation have been submitted to the Secretary's Office.

Sincerely,



Valerie Yates

cc: Kathryn Brown  
Lawrence Strickling  
Katherine Schroder

Attachment

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Policies and Rules Concerning the  
Interstate, Interexchange Marketplace:  
Implementation of Section 254(g) of the  
Communications Act of 1934, as amended  
CC Docket No. 96-61

Background

- 2<sup>nd</sup> R&O (Oct. 96) – Mandatory detariffing; publication of rates
- Appeal – Mandatory v. permissive detariffing; cost and burden of implementation. Rules stayed
- Order on Reconsideration (Aug. 97) – Affirms mandatory detariffing; eliminates publication requirement
- Pending Recons. – Challenge elimination of publication requirement

Current Issues

- Filed rate doctrine and Central Office Telephone
- Antitrust concerns
- USF & Access Charges
- Complaints and enforcement

Solution

- Issue a short order denying reconsideration petitions
- Ask court to set briefing schedule

Other Options

- Allow permissive detariffing pending final decision by the court?
- Ask court to proceed despite pendency of further recons.