

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
1998 Biennial Regulatory Review -- ) CC Docket No. 98-131  
Part 61 of the Commission's Rules )  
and Related Tariffing Requirements )

REPLY COMMENTS

The National Exchange Carrier Association, Inc. (NECA) herein files its reply to comments regarding the Commission's *Notice of Proposed Rulemaking* (NPRM) in the above captioned matter.<sup>1</sup>

The record supports NECA's comments that the Commission should treat all carriers the same for purposes of the rule regarding the minimum effective period for tariffs, instead of shortening the period only for nondominant carriers as the Commission proposes.<sup>2</sup> The National Telephone Cooperative Association (NTCA) agrees with NECA that any reduction in time in the minimum effective period should apply equally to all carriers. NTCA points out, as did NECA, that the rationale behind the rule – avoiding customer confusion from “rate churn” – is not a concern that logically applies to their members' sophisticated interexchange carrier customers.<sup>3</sup> The United States Telephone Association (UTSA), supported by Ameritech, Bell Atlantic and GTE, believes the rule should be eliminated altogether as inconsistent with the Telecommunications Act of

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<sup>1</sup> 1998 Biennial Regulatory Review -- Part 61 of the Commission's Rules and Related Tariffing Requirements, *Notice of Proposed Rulemaking*, FCC 98-164, CC Docket No. 98-131 (rel. Jul. 24, 1998) (NPRM).

<sup>2</sup> NECA at 1-2.

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1996, which allows carriers to file a new or revised charge, classification, regulation or practice on a streamlined basis.<sup>4</sup> USTA's proposal would also leave all carriers on an equal footing, satisfying principles of competitive neutrality.

In its comments, NECA supports a number of the Commission's other proposals, including its proposals to: eliminate all the original notice requirements for dominant carriers in its rules, leaving only the Act's streamlined requirements;<sup>5</sup> allow carriers to refer in their tariffs to publications which describe technical aspects of a service offering provided certain conditions are satisfied;<sup>6</sup> and to reduce unnecessary or outdated tariff posting requirements and reorganize certain Part 61 rules to make them easier to follow.<sup>7</sup> Nothing in the record conflicts with these proposals, which are also generally supported by the Bell operating companies and GTE, and these proposals should therefore be implemented.

NECA also made additional proposals of its own. NECA suggested that the Commission clarify that electronic communications and Internet website postings may be used to inform affected customers of certain tariff changes, including rate increases or reductions in service.<sup>8</sup> NECA proposed a reduction in the number of coding options for use in identifying tariff changes.<sup>9</sup> NECA proposed eliminating the requirement that a carrier offering a new service estimate projected effects of that new service on the traffic

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<sup>3</sup> NTCA at 2.

<sup>4</sup> USTA comments at 5; Ameritech at 5; Bell Atlantic at 5; GTE at 9.

<sup>5</sup> NPRM at ¶ 12.

<sup>6</sup> NPRM, Appendix at 34, proposed rule § 61.74(f). As NECA indicated in its comments, the Commission should make clear that the technical publications that may be referenced include electronic versions that may be accessed over the Internet.

<sup>7</sup> NPRM at ¶¶ 5-7, 10-11.

<sup>8</sup> NECA at 4.

<sup>9</sup> NECA at 4-5; *see* 47 C.F.R. § 61.54(i)(1).

and revenues of its existing service classifications, except in cases where anticipated revenue for the new service is expected to exceed 10 percent of the carrier's total interstate revenues (or, in the case of the NECA pools, 10 percent of pool revenues).<sup>10</sup> Finally, in instances where carriers have obtained individual waivers to enter or exit the NECA pools, NECA suggested that the Commission should clarify that there is no need for NECA itself to obtain any additional waivers, or to seek special permission to file tariff revisions that reflect the addition or deletion of these carriers.<sup>11</sup> Nothing in the record conflicts with these proposals, which serve the public interest and should therefore be implemented for the reasons NECA provides in its comments.

NECA also agreed with a proposal USTA made in a recent petition that rate-of-return carriers be permitted to file a tariff introducing a new service on a streamlined basis of 15 days' notice.<sup>12</sup> NECA added that limiting application of this rule, so as to require cross-elasticity estimates only in cases where a new service is expected to produce revenues in excess of 10 percent of total interstate revenues, will substantially reduce burdens on carriers and eliminate the need for unnecessarily expensive speculative studies. Nothing in the record conflicts with this proposal, which serves the public interest and should therefore be implemented.

NECA, the Bell operating companies and GTE generally support other comments filed by USTA in this docket. Specifically, NECA supports, as optional and extended to the Carrier Common Line (CCL) for the NECA pool, the zone pricing plan USTA

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<sup>10</sup> NECA at 5-6; 47 C.F.R. § 61.38(b)(2).

<sup>11</sup> NECA at 6.

<sup>12</sup> NECA at 5; USTA Petition for Rulemaking – 1998 Biennial Regulatory Review at 41-42 (fil. Sept. 30, 1998).

proposes for rate-of-return (RoR) carriers.<sup>13</sup> NECA also specifically supports USTA's proposal to streamline the RoR access charge structure into four categories – Transport, Switching, Common Line and Other.<sup>14</sup> NECA does not oppose USTA's proposal to permit carriers involved in mergers, that wish to have more than 50,000 common lines reenter the CL pool, to do so by filing an application with the Commission.<sup>15</sup> If the Commission implements this proposal, it should allow any such carriers to receive Long Term Support.

Finally, NECA supports AT&T's proposal to allow carriers the option of filing tariffs by paper in an emergency, in cases where information system failures render it impossible to file electronically.<sup>16</sup>

Respectfully submitted,

NATIONAL EXCHANGE  
CARRIER ASSOCIATION, INC.



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November 16, 1998

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<sup>13</sup> USTA comments at 9.

<sup>14</sup> *Id* at 8.

<sup>15</sup> *Id* at 7.

<sup>16</sup> AT&T at 3.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served this 16th day of November 1998, by hand delivery or first class mail, to the persons listed below.

  
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