

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

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Truth-in-Billing ) CC Docket No. 98-170  
And )  
Billing Format )

REPLY

BellSouth Corporation and its subsidiary and affiliated companies (collectively "BellSouth") submit these reply comments in the above-referenced proceeding. To amplify its original comments and respond to the views of other filing parties, BellSouth provides the following recommendations and urges the Commission to accept these guidelines in its consideration of billing issues.

**1. Carrier Identification Codes (CICs) should be required for all telecommunications service providers, including "switchless" resellers.**

In initial comments BellSouth advocated opening CIC assignment to switchless resellers, *i.e.*, providers who have no facilities of their own and rely exclusively upon the networks of other carriers for call handling and transport. Although this recommendation originally contemplated CIC availability as an option for such providers, BellSouth is now persuaded that the difficulties created by an absence of any system for the identification of switchless resellers warrant the imposition of mandatory code assignment.<sup>1</sup> Application of CICs to switchless resellers would

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<sup>1</sup> Many parties to this proceeding have addressed the issue. *See, e.g.*, AT&T, pp.5-6; Sprint, pp. 13-14; US WEST, pp. 8-9. Mandatory assignment of CICs to resellers will have an impact on the CIC resource pool, and BellSouth recommends industry analysis of this issue. However, BellSouth believes that the industry can develop appropriate CIC assignment

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permit their identification as the preferred interexchange carrier (PIC) of individual subscriber lines, thereby eliminating a significant source of customer confusion. It would also do much to curtail a particularly insidious form of slamming, which presently can be accomplished without the need for a PIC change and its accompanying verification requirements.<sup>2</sup>

The extension of CICs to switchless resellers appears to provide the most effective solution to the problems enumerated in the comments of BellSouth and others and possesses the further advantage of using systems already in place for PIC selection. Nevertheless, as an alternative to mandatory CIC assignment, BellSouth would agree with Ameritech's suggestion that customer notification requirements related to PIC changes be imposed directly on switchless resellers and the applicable facilities-based carrier.<sup>3</sup> This approach could also include a requirement that the facilities-based carrier inform the billing LEC of any service change to a switchless reseller for inclusion on the customer's subsequent billing statement and a requirement that the facilities-based carrier provide customers of its underlying service with a "freeze" capability.

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guidelines for switchless resellers which will minimize the impact on the CIC resource and provide sufficient resources for well into the future.

<sup>2</sup> SBC Communications describes this practice as "virtual" or "soft" slamming and finds it "one of the most difficult types of slamming to detect and remedy." SBC, p. 6. Since it can be effected without a PIC change, even the application of a PIC freeze to the account can offer no protection to victimized subscribers. *See Ameritech*, pp. 9-10.

<sup>3</sup> Ameritech, p.10.

**2. The Commission should resist calls to re-regulate billing and collection services.**

Some parties have attempted to use this proceeding as a forum to argue for more stringent regulation of LEC billing and collection services.<sup>4</sup> Thus MCI WorldCom seeks a rule delineating requirements for LEC provision of “casual” services billing, while Pilgrim Telephone asserts that the Commission should reinstate Title II regulation of LEC third-party billing services.<sup>5</sup>

Such action would be counter to longstanding policies of the Commission and to the deregulatory initiatives of the Telecommunications Act. It is, moreover, unnecessary. The questionable practices which have generated the majority of consumer billing complaints and which provide the impetus for this rulemaking (“slamming” and “cramming”) are not the consequence of detariffing billing and collection services. Rather, they result from the activities of an unscrupulous minority of service providers who seek to exploit customer confusion over recent and profound changes in the telecommunications marketplace. What is needed are specific initiatives which give consumers more information about their competitive options and vigorous enforcement action against those parties who engage in repeated and flagrant violations of existing law.

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<sup>4</sup> In fact, the Commission has always asserted its authority to regulate LEC-provided billing services pursuant to the general oversight powers conferred by Title I of the Communications Act. 47 U.S.C. § 151 *et seq.* See *Detariffing of Billing and Collection Services*, CC Docket No. 85-88, 102 F.C.C.2d 1150 (1986); *recon. denied*, 1 FCC Rcd 445 (1986).

<sup>5</sup> MCI WorldCom, pp. 18-19; Pilgrim, p. 21. It is ironic that the adherents of Title II regulation should reserve specific criticism for LECs’ billing name and address service (“BNA”), which is regulated as a Title II offering and provided under tariffs filed with the Commission. See Pilgrim, pp. 25-28; ACTA, p. 5.

**3. The Commission should formulate guidelines which are sufficiently flexible to accommodate differences among jurisdictions and billing carriers.**

Many commenters have discussed the need to develop billing guidelines which reflect a consensus among federal and state regulators.<sup>6</sup> These guidelines must be sufficiently flexible to accommodate differences in carrier billing systems and capabilities and to permit the introduction of new billing options in response to customer demand. In addition, guidelines developed through this proceeding should be applied only to residence and small business accounts that receive paper billing statements. Large, complex business users generally have telecommunications managers who are well versed in regulatory requirements and industry billing practices. These customers do not require the protection of remedial measures described in the Notice of Proposed Rulemaking (“NPRM”) and would be disadvantaged by regulations which precluded the offer of diverse and customized billing options.<sup>7</sup>

Absent any evidence that incumbent LECs have disproportionately contributed to the problems delineated in the NPRM, there is no reason to impose more stringent regulation on these carriers, as some parties urge.<sup>8</sup> Such arguments merely restate the contention that billing and collection services should be re-regulated and are made for the purpose of obtaining advantages which the complaining parties have not achieved through arms’ length bargaining.

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<sup>6</sup> See, e.g., FL PSC, pp. 2 and 4; GTE, pp. 5-6; Missouri PUC, p. 2.

<sup>7</sup> See C&W USA, pp. 2-3; Sprint, pp. 4-5; Teligent, pp. 3-4.

<sup>8</sup> Comptel, pp. 2-5; MCI WorldCom, p. 6.

As some commenters observe, billing guidelines do not have to be the product of a Commission rulemaking.<sup>9</sup> In lieu of a formal proceeding, a national forum/industry working group could be established to develop findings and recommendations under the general oversight of the Commission. This approach has been effective in the development of Anti-Cramming Guidelines and could easily be adapted to address billing issues of broader application.

**4. The Commission should avoid requirements which would necessitate massive and costly revisions to carrier billing systems.**

Some parties express support for the NPRM proposal to include a bill section which provides month-to-month changes in rates and services.<sup>10</sup> Whatever the visceral appeal of this suggestion, it would require extensive and costly reprogramming of BellSouth's billing system to provide the storage and retrieval capabilities needed to track such changes. Comments of other providers are to the same effect.<sup>11</sup> Further, such data—if it could be supplied—would add little to the information contained in a summary page which identifies each service provider and its charges for the month. The Commission should refuse to impose a requirement of this magnitude on the industry, particularly in light of the small incremental benefit it would provide.

The comments of Pilgrim Telephone include a nebulous suggestion that LECs be required to provide a network service block and bill block for dial around toll traffic.<sup>12</sup> To the extent Pilgrim is advocating carrier-specific blocking, such capability does not now exist in the

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<sup>9</sup> AT&T, pp. 11-12; US WEST, pp.12-13.

<sup>10</sup> *See, e.g.*, Attorneys General, p. 6; PaPUC, p. 6; Texas OPC, p. 4.

<sup>11</sup> Sprint, pp. 7-8.

<sup>12</sup> Pilgrim, pp. 29-30.

LEC switch. Moreover, the number of network screening capabilities which may be garnered from an individual switch is not limitless. To the extent switch capacity is used to provide carrier-specific blocking, its use in provisioning other services of potentially wider appeal is compromised. Such an extreme remedy is not required to address the billing abuses described in the NPRM.

**5. The Commission should refrain from imposing bill content/format requirements on wireless providers.**

Wireless providers have stated without contradiction that their industry is free from the practices of slamming, cramming and other billing-related issues described in the NPRM.<sup>13</sup> Indeed, differences in the provisioning of wireless services effectively insulate wireless providers from many of the difficulties encountered by traditional, landline carriers.<sup>14</sup> It is widely acknowledged that the wireless industry is robustly competitive. Marketplace forces continue to exert the discipline necessary to restrain many of the abusive practices which prompted issuance of the NPRM. The Commission should allow these forces to operate and refrain from imposing costly regulation which would offer negligible benefits to consumers.

Several examples may be cited to demonstrate the impropriety of applying NPRM proposals to the wireless industry. Currently, wireless companies offer numerous billing options at varying prices. The imposition of uniformity through mandated format and content standards would limit the availability of these alternatives and remove billing practices as a means of

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<sup>13</sup> See, e.g., Rural Cellular Association, pp. 5-6; Ameritech, p. 6; Air Touch, pp. 6-7; Bell Atlantic Mobile, pp. 2-3.

<sup>14</sup> BellSouth's comments identify some of the unique characteristics of this industry. BellSouth, pp. 12-15.

competitive differentiation among providers. Likewise, the distinction between deniable and non-deniable charges has no application in the context of wireless service. The NPRM proposals related to requiring specific facility-based carrier information would create confusion if applied to “roamed” or other resale services.<sup>15</sup> Finally, the provision of status changes—whether on an existing bill page or through the addition of a new page—will impose significant costs on the industry with no commensurate benefit to wireless customers.<sup>16</sup>

### CONCLUSION

The Commission must avoid imposing billing content and format rules which fail to recognize variations among jurisdictions and carriers. Appropriate guidelines can be developed either through this NPRM or through the formation of an industry working group, which will provide consumers with more information regarding their service alternatives. Extension of CIC codes to switchless resellers should be mandated to permit the identification of such providers in PIC selection and to curtail slamming. Lastly, the Commission should allow market forces to

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<sup>15</sup> See PrimeCo, p. 9; Bell Atlantic Mobile, pp. 12-13; AirTouch, pp. 6-7.

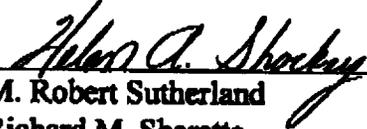
<sup>16</sup> See PCIA, pp. 10-11.

determine the billing practices of wireless carriers and refrain from regulation which would be costly to the industry and of negligible benefit to consumers.

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 16<sup>th</sup> day of December 1998 served the following parties to this action with a copy of the foregoing REPLY by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

  
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