

WILLKIE FARR & GALLAGHER

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Washington, DC 20036-3384

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February 18, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, 445 Twelfth Street, SW
Washington, DC 20554

Re: Ex Parte Filing, CC Docket No. 96-115

Dear Ms. Salas:

This morning, representatives of the Association of Directory Publishers ("ADP") met with Commissioner Gloria Tristani and Paul Gallant, Legal Advisor to Commissioner Tristani. In addition, ADP met with Commissioner Susan Ness and Linda Kinney, Legal Advisor to Commissioner Ness. ADP was represented by William B. Hammack of The SunShine Pages and Philip L. Verveer and Sophie J. Keefer of Willkie Farr & Gallagher.

At these meetings, ADP discussed a variety of issues relating to the pending rulemaking in the above-captioned proceeding and advocated rules similar to those proposed by ADP in prior ex parte filings. Among other things, ADP urged the FCC to adopt a benchmark price for provision of SLI and to require ILEC provision of CLECs' SLI to independent directory publishers.

In addition, attached to this filing are: (1) statement of Rep. Ed Markey during debate of E911 bill, H.R. 438, referencing Sec. 222(e) of the Communications Act; (2) a letter from Rep. Dennis Moore to Chairman Kennard urging the FCC to adopt rules implementing Sec. 222(e); and (3) letters from various independent publishers to Chairman Kennard urging the FCC to adopt rules implementing Sec. 222(e) (similar letters were also sent to each Commissioner by the publishers).

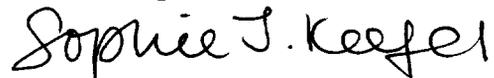
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Magalie Roman Salas, Secretary
November 18, 1998
Page 2

Pursuant to the Commission's rules, two (2) copies of this letter are being filed. Please call the undersigned at (202) 429-4730 if you have any questions regarding this filing.

Sincerely,



Sophie J. Keefer

Enclosures

CC: Commissioner Ness
Commissioner Tristani
Linda Kinney, Esq.
Paul Gallant, Esq.

Statement of Rep. Ed Markey
During debate of E911 bill, H.R. 438, referencing Section 222(e) of the
Communications Act

Before House Commerce Subcommittee on Telecommunications
February 10, 1999

Mr. Chairman, I have an amendment at the desk.

I ask unanimous consent that the amendment be considered as read.

Thank you.

Mr. Chairman, this amendment is designed to ensure that database management services, which have the job of handling, properly and efficiently, the customer information so that police, fire, health and other emergency personnel can quickly respond to a request for help or assistance. In addition, it makes sure that information is available to such entities for the purposes of providing adequate public warning in the case of an emergency.

For example, emergency notification services can warn people in a particular area about the imminent arrival of a tornado, or warn coastal areas about a hurricane or tidal wave. Utilizing telecommunications technologies to help save lives is what this bill is designed to advance and this amendment makes sure that the entities tasked with performing this function have the information they need to help protect the public.

Let me briefly explain the amendment. The amendment amplifies the public safety mission of the bill in a number of ways.

First, it stipulates that call location information be disclosed to public safety answering points, medical personnel, fire, police, and other entities to respond to a call for help or assistance.

Second, it authorizes disclosure to a user's legal guardian or immediate family member of a user's location in an emergency situation that involves the risk of death or serious physical harm.

Third, it gives location information as well as subscriber information to database services that assist in the delivery of 911 or emergency notification services. The amendment requires that the subscriber information be provided to such entities on a timely basis and on reasonable rates, terms, and conditions.

This language is identical to language already appearing in Section 222 of the Communications Act. And one year ago yesterday, Mr. Chairman, I joined you in signing a letter to the FCC – along with Representative Joe Barton and former Representative Bill Paxon – urging the FCC to complete its implementation of Section 222 and to recognize in its rulemaking the minimal cost of providing this data to requesting parties. I believe the Commission should do likewise here with respect to requests from 911 service entities. Finally, I would add that when this Committee directs the FCC to ensure that this information disclosure be done on a timely

basis, we mean timely. In the age of Websites and "Internet time" it shouldn't take two weeks to get the information out to entities requesting it. The information is already in electronic form - it could be done almost instantaneously. Moreover, in the case of the services we're talking about today, Mr. Chairman, lives may be at stake if entities cannot obtain timely, updated information.

Mr. Chairman, you have been a national leader in pushing this public safety agenda in telecommunications for this Subcommittee, I applaud your continued leadership as well as that of Mr. Shimkus, the lead sponsor of the bill, and I hope that you will support the amendment.

Congress of the United States
House of Representatives
Washington, DC 20515-1603

February 9, 1999

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M St., N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

I writing with regard to the Commission's pending ruling to implement Sec. 222(e) of the Communications Act. This provision requires a telecommunications carrier that provides local exchange service "to provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format."

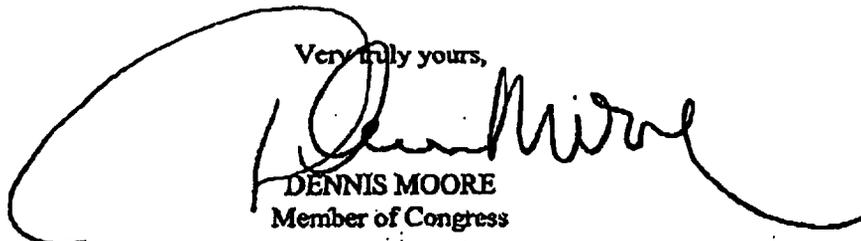
Congress enacted this provision, as part of the 1996 Telecommunications Act, to protect and promote competition. As the House Committee Report noted, "[o]ver the past decade, some LECs have charged excessive and discriminatory prices for subscriber listings. Some have impose unreasonable conditions such as requiring that the listings be purchased only on a statewide basis or refusing outright to sell listings or updates. This provision prohibits such practices."

The enactment of Section 222(e) in and of itself has not resolved these problems. Independent directory publishers still experience price inequities, restrictions on unbundling listings, and refusals to license listings in a timely matter.

In May 1996, the Commission issued a notice of proposed rule-making, CC Docket 96-115, to implement the CPNI-related provisions of the Telecommunications Act, including Section 222(e). In order to bring the aforementioned problems to a halt, it is imperative that the Commission formulate a clear policy on what constitutes a reasonable price, which recognizes the minimal cost of providing these listings to requesting parties.

Thank you for your work on this important issue. I look forward to the Commission's response.

Very truly yours,



DENNIS MOORE
Member of Congress



8560 Main Street Williamsville, New York 14221 (716) 634-7880

February 15, 1999

The Honorable William Kennard
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard,

ITD Publishers has been publishing independent telephone directories, which include a white and a yellow page section, since 1981. To keep our company on a level playing field with utility companies, it is extremely important that we include a white page listing section which is generated from subscriber list information.

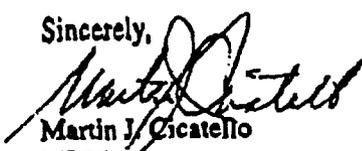
The geographic boundaries of ITD directories require us to deal with several utility telephone companies in order to obtain the correct white page listings needed to complete our books. Some companies that we deal with have been cooperative in providing these listings while other companies have either manipulated us with rate increases or outright refused us. For instance, Bell Atlantic, formerly New York Telephone, initially agreed to sell us subscriber listings at a rate of \$0.01 per listing and is currently charging us \$0.20 per listing. The Dunkirk and Fredonia Telephone Company and the Chautauqua and Erie Telephone Company refused to sell us listings on the basis that the listings were private and they possessed sole ownership of the lists. After costly legal action, these two companies agreed to sell us the listings at a rate of \$0.10 per listing for a period of three years. At the end of this three year agreement rates were increased to \$0.95 per listing.

The constant changes in our industry have allowed for the organization of additional local telephone service companies. Upon this fact, it is imperative that a cost-based pricing standard is established and a requirement that ILECs must provide CLEC listings to independent directory publishers.

I understand that the FCC Commission is scheduled to vote on the Telecommunications Act Section 222(e), an act that will provide utility subscriber list information to independent publishers, on February 25th. As a small publisher of four telephone directories, it is extremely important that we have access to the subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions". It is crucial that a strong and explicit ruling by the Commission is made in order put an end to the abusive treatment inflicted upon independent publishers by utility companies.

Thank you for your consideration as we strive to establish a truly competitive industry.

Sincerely,


Martin J. Cicatello
MJC/hc

YELLOW PAGE ONE, INC.

the #1 CHOICE IN YELLOW PAGES

500 W. Algonquin Rd.
Mt. Prospect, IL 60056
(847) 439-8300
www.yellowpageone.com

February 17, 1999

William Kennard, Chairman
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

I understand that you will be considering an order on Section 222 (e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions", on February 25.

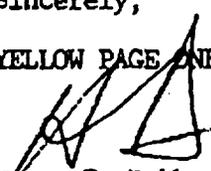
At the present time we are paying excessive prices for SL1 and updates.

1. SPRINT charges \$.56 per listing.
2. GTE TELEPHONE CO. \$.45 per listing.
3. AMERITECH \$.15 plus for listing.

The telephone companies really do not want independents in business. Only a strong and explicit ruling by the Commission will end the abuses. Independent publishers have suffered and serve to establish a truly competitive marketplace.

Sincerely,

YELLOW PAGE ONE, INC.


Harry F. Dubbs, President

HFD/jd



**WE MADE IT LOGICAL, WE MADE IT CONVENIENT...
WE DO IT BETTER, AND WE SELL IT FOR LESS!!!**

February 17, 1999

William Kennard, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

On February 25, I understand you will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information (SLI) "on a timely and unbundled basis, under non discriminatory rates, terms and conditions." This issue is vitally important to our company. We, in addition to all independent directory publishers across the country, have been waiting for nearly three years for the Commission to implement the intent of Congress and end the discriminatory behavior of local exchange carriers.

My company publishes telephone directories in thirteen of the United States, and to publish directories, we must obtain up-to-date telephone SLI from the telephone companies. Since the telephone companies provide telephone service they must compile and maintain current listings. I recognize that the telephone companies deserve to be compensated for use of their listings. However, there is a long history of telephone companies charging hugely inflated prices, imposing restrictive terms and conditions, or in the case of Alaska, simply refusing altogether to supply such listings.

It is imperative that any order must include a price for SLI or very clear cost-based pricing standards and a requirement that ILECs must provide CLEC listings to independent directory publishers. Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered. Please assist in establishing a truly competitive marketplace. Your support in this matter will help both our employees and thousands of consumers in the district who use and benefit from our directories. The effects of this order on Section 222(e) will reach out to tens of thousands of independent publishers, employees and consumers nationwide.

If you or your staff have any questions, please do not hesitate to contact me. Thank you again for your assistance.

Sincerely,

Lee Ann Moorman
President

LAM:gv