

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

In the Matter of)
)
Truth-in-Billing)
)
and)
)
Billing Format)

CC Docket No. 98-170

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**PETITION FOR A STAY, AND
CLARIFICATION OR RECONSIDERATION**

I. SUMMARY AND INTRODUCTION

Ameritech requests that the Commission stay until April 1, 2000, the requirements that billing entities identify new service providers and deniable/non-deniable charges on their bills. Ameritech also requests that the Commission modify its definition of "new service provider" and clarify that its new billing rules do not apply to custom and complex billings for business customers.

Ameritech strongly supports of the Commission's objective of understandable and accurate telecommunications billings. Toward that end, even prior to the commencement of this proceeding, Ameritech voluntarily undertook a major project to make its residential billings more understandable and user-friendly. The resulting new bill format was tested during the pleading cycle of this proceeding and was introduced prior to the issuance of the Commission's Order. Ameritech's new bill format anticipated most of the requirements mandated by the Commission, and has been very well received by customers. However, upon reviewing the Commission's Order, Ameritech discovered that the Commission made two significant

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departures for Ameritech's new bill format that will require significant modifications to Ameritech's systems; modifications that cannot be completed by September 6, 1999, the effective date of the Commission's new billing rules.

Specifically, Ameritech will be unable to fully implement the requirements to identify new service providers and deniable/non-deniable services on customer billings by the September 6, 1999. Ameritech is requesting a waiver of these requirements until April 1, 2000, because that date is the earliest date that Ameritech can reasonably implement these requirements in its systems, consistent with its technical capabilities and other legal and regulatory requirements, including the so-called year 2000 ("Y2K") problem.

In addition, Ameritech is proposing two modifications to the Commission's new billing rules that will reduce costs and customer confusion, and increase the effectiveness of the Commission's rules. First, Ameritech seeks a minor modification of the rule requiring identification of new service providers, limiting its application to providers that have not submitted charges for billing to the customer within the past 6 months. Ameritech will show that this modest change will reduce costs, and increase the effectiveness of the Commission's rules. Second, Ameritech requests that the Commission clarify that its new billing rules do not apply to custom and complex billings for business customers. These billings are custom designed to meet the particular needs of sophisticated business customers, and application of the new billing rules to them is neither necessary, nor desirable.

II. ARGUMENT

A. Identification Of New Service Providers Should Be Deferred Until April 1, 2000.

Ameritech requests that the Commission stay the effective date of the new service provider identification requirement until April 1, 2000. This waiver is necessary because

Ameritech cannot implement this requirement within its systems by September 6, 1999, and because April 1, 2000 is the earliest date that Ameritech can reasonably implement it, consistent with other legal and regulatory requirements.¹ Equally as important, deferring the effective date of this requirement until April 1, 2000 will provide the stable systems necessary for Ameritech to effectively identify, resolve, and test for computer software problems caused by the so-called “Y2K” problem, and to facilitate quick resolution of any Y2K problems that may arise.

System changes required to identify providers that were not on last month’s bill, include creating the capability to access a billing history for each customer at the time each month’s bill is prepared, and to create a unique identifier for each “new” provider appearing on this month’s bill that was not on that customer’s preceding month’s bill. A record containing all of the previous month’s billing entities must be passed to the bill assembly modules. The bill assembly must use this record to determine if there are new providers on this month’s bill, and to set an identifier in the amount field for each such new providers. Creation of this capability will require a very significant amount of developmental, provisioning and testing time that cannot be reasonably completed until April 1, 2000.

Until the date when Ameritech can identify each new service provider, it will identify new presubscribed carriers, will list in its billing summaries new billing entities, will itemize charges, identify service providers, and summarize charges. These steps will enable customers to discover any unauthorized new provider, until such time as Ameritech can fully implement the Commission’s requirement.

¹ These other requirements include, but are not limited to: NPA splits and overlays, anti-slamming and PIC protection, resale discount changes, Access Reform, local number portability, meet point billing, etc.

B. The Implementation Of The Requirement That Billing Entities Identify Deniable/Non-Deniable Charges Should Be Stayed Until April 1, 2000.

Ameritech requests that the Commission stay until April 1, 2000 the effective date of the Commission's new requirement that billing entities identify deniable/nondeniable charges on their billings. Here also, in the meantime, Ameritech will take pro-active steps to assist customers in identifying which charges are deniable.

This requirement also requires significant system modifications and software changes. The rating database must be modified to pass an indicator to the bill assembly modules for all USOCs that are deniable. The bill assembly modules must then pass the indicator on to the bill format modules that will create the identifier for the deniable charges. A footnote must also be added to the bill, explaining the deniable/non-deniable distinction. This task will be complicated further because the services for which local exchange service can be terminated for non-payment vary from state-to-state depending on the particular requirements of that state's statutes and regulatory rules. Moreover, in one case (Michigan) local service may only be terminated if charges for local and long distance usage exceed a specified amount.² As a consequence, Ameritech is unable to technically implement this requirement consistent with its regulatory and legal requirements and its Y2K plan, until April 1, 2000.

However, in the interim, Ameritech will place on its bills general notifications that describe which charges are deniable in the state involved. To that end, Ameritech is developing five separate billing notices, one for each of the states within which it provides local exchange service as a local exchange carrier ("LEC"). These notices will explain which charges are deniable until Ameritech can fully comply with the Commission's requirement.

² Billing Standards for Basic Residential Telecommunications Service, Part 8, R484.381, Rule 81 a-h.

C. Ameritech's Petition For A Stay Should Be Immediately Granted Because It Meets All The Applicable Requirements.

The Commission should expeditiously grant Ameritech's Petition for a Stay as to the new provider and nondeniable requirements. Prompt action is justified because Ameritech's request fully meets the test for a stay³, and is necessary in order to prevent the unnecessary expenditures of significant sums and resources, and to reduce confusion.

The criteria for granting of a stay is that:

- a. Petitioners are likely to prevail on the merits.
- b. Petitioners will suffer irreparable harm absent a stay.
- c. A stay will not harm others.
- d. A stay is in the public interest.

Ameritech's Petition meets each of the above criteria.

First, as previously discussed, Ameritech is likely to prevail on the merits because it is not technically feasible for it to meet these two requirements by September 6, 1999. Moreover, a stay of these requirements until April 1, 2000 is in the public interest and consistent with the Commission's policies seeking to prevent telecommunications service degradations and outages caused by the Y2K problem.

Second, Ameritech will suffer irreparable harm if the stay is not granted, because it will incur very significant extra costs in the short term, meeting requirements that should be modified or stayed until a later date. Equally as important, unless the stay is granted, Ameritech will have to dedicate significant resources and personnel on an emergency, resources that could otherwise more productively be dedicated to meeting other legal and regulatory requirements, including to preventing and resolving Y2K problems and to meeting customers needs.

³ Washington Metro Area Transit Comm'n, 559 F. 2d 841, 842-43 (D.C. Circuit, 1977)

Third, the stay will not harm customers or other carriers since Ameritech is taking positive interim steps to enable customers to identify new providers and deniable charges on their bills. Further, implementing this requirement before the Commission has modified the definition of new provider, as discussed in the next section, will actually increase customer confusion by forcing Ameritech to issue misleading bills.

Fourth, for all the reasons discussed throughout this Petition, it is in the public interest for the Commission to stay until April 1, 2000 implementation of its new service provider and deniable/non-deniable requirements.

D. The Definition Of "New Service Provider" Should Be Limited To Providers That Have Not Submitted Charges for Six Months

On July 16, 1999, the United States Telephone Association ("USTA") filed a Petition for an Expedited Waiver or Stay requesting, in part, a modest modification of the Commission's rule defining which service providers are classified as "new" and must be identified, as such, on customer bills. Basically, USTA seeks clarification that the determination of whether a provider is "new" should be based upon when it submitted charges to be billed to the customer, not when those charges were in fact billed. USTA also seeks a modification of the rule, so the determination of whether a provider is new is based upon a six (not a one) month period. Ameritech supports this aspect of USTA's Petition.

The Commission's Rule 64.2001(a)(2) requires that billing carriers provide "notification to the customer that a new provider has begun providing service." The rule defines the term "new provider" as "any provider that did not bill services on the previous billing statement." USTA points out that the problem with this requirement, as written, is that billing entities cannot identify providers that were not on last month's billings, and that the providers themselves do not know which month's billings contains their charges. USTA documents that in order to create the

capability to identify providers that were not on last month's billing, carriers will need to make significant, expensive and time consuming modifications and enhancements to their systems.

Moreover, simply because a provider did not have charges on last month's bill for a customer, does not mean that it is a "new provider" from that customer's perspective. Identifying providers that have an on-going relationship with the customer as new, will prove confusing and will undermine the customer's ability to find providers that are actually new. For instance, the billing upon which a provider's charges are placed is determined by the date the provider submits its charges and the date that Ameritech closes a billing cycle. Thus, in some cases, a provider can miss a billing period, even though it has continuously provided service to a customer, simply because its charges were submitted after the closing date of the subject billing cycle. Under the Commission's existing rule, these carriers must be misidentified as "new" even though they are not.

Another example of an instance where a provider will be misidentified as new, is a carrier that request that Ameritech only bill for it bi-monthly and, thus, would never be on last month's bill. A third example, is the situation where although a customer has an on-going relationship with a provider, the customer does not use that provider's service during the prior month. Here again, the provider would be incorrectly identified as new.

For these reasons, Ameritech joins USTA in asking that the Commission modify its definition of "new service provider" to specify that it applies to any provider that has not "submitted any charges to be billed to the customer in the last six months." This change will enable providers to determine, based upon information within their own systems, whether they are a new provider and, thus, allow them to identify themselves as such to their billing entity. The requested modification will, thereby, avoid the need for billing entities to develop expensive

special bill history databases, that will have to be accessed each time a new billing is prepared. At the same time, use of the six-month period will eliminate the problem of bills misidentifying providers as “new” where the provider has an on-going service relationship with the customer.

E. Custom and Complex Bills For Businesses Need Not And Should Not Be Subject To The Commission’s New Billing Rules.

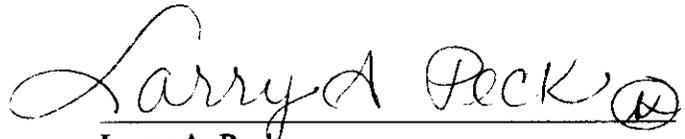
Ameritech further requests that the Commission clarify that its new billing requirements do not apply to custom and complex billings for business customers. These billings are custom designed to meet the particular needs of business customers, and application of the new billing rules to them is neither necessary, nor desirable. The business customers involved are typically large, sophisticated telecommunications users that need special billing formats designed to enable them to validate, allocate and pay their telecommunications billings. These customers have elaborate systems and procedures to audit and validate their bills, and do not need or want the protection offered by the Commission’s new rules. In fact, forced implementation of these requirements would inflate the costs of serving these customers, and impair the ability of carriers to meet the billing needs of these customers.

III. CONCLUSION

For the above reasons, the Commission should stay its new service provider and deniable/nondeniable requirements until April 1, 2000; should limit the new service provider

requirement to providers who have not submitted charges for billing to the customer within the past 6 months; and clarify that its billing rules do not apply to custom or complex billings for business customers.

Respectfully submitted,

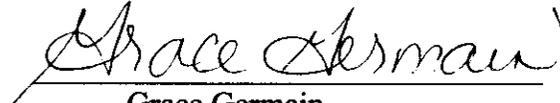
A handwritten signature in cursive script that reads "Larry A. Peck" followed by a circled "A".

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Dated: July 26, 1999

CERTIFICATE OF SERVICE

I, Grace Germain, do hereby certify that a copy of the foregoing Petition For Stay, and Clarification or Reconsideration of Ameritech has been served on all parties of record, via first class mail, postage prepaid, on this 26th day of July, 1999



Grace Germain *aa*