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ORIGINAL



EXPARTE

October 15, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: In the Matter of CC Docket No. 95-116 and 99-35 Long Term Telephone Number Portability Refund Plan of Pacific Bell (PB) and Southwestern Bell Telephone Company (SWBT)

Dear Ms. Salas:

On October 8, 1999, the attached document was provided to Raj Kannan at the Competitive Pricing Division of the Common Carrier Bureau. The document clarifies that all affected Local Number Portability (LNP) customers are to be provided 100% of the refund due to them as a result of the FCC's July 16, 1999 Memorandum Opinion and Order. In that Order, the Commission ordered PB and SWBT to refund their respective customers, with interest, the difference between the actual LNP revenues they obtained pursuant to their LNP tariffs and the revenues that would have been obtained based on rates prescribed in the Commissions orders.

In accordance with 47 C.F. R. 1.1206(a)(1) of the Commission's rules, the original of this letter and one copy are being filed with your office for inclusion in the public record. Acknowledgment and date of receipt are requested. A duplicate of this letter is included for this purpose. Please direct any inquiries concerning the foregoing to the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Christine Jines".

CC: Judith Nitsche
Raj Kannan
Jim Lichford
Steve Funkhouser

RECEIVED

OCT 15 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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**REFUND PLAN OF SWBT AND PACIFIC BELL
CC DOCKET NO. 99-35
AUGUST 16, 1999**

VI - N-1 Prearranged and Default :

“....SWBT and Pacific Bell propose refunding monies based upon the percentage of number portability capable switches from which numbers have been ported at each month's end. For example, if at the end of February 1999, only 20% of SWBT's number portability capable switches had ported at least one number from the relevant NXX, then all customers for which SWBT performed queries in that month would receive a refund equating to 80% of the charges collected related to that month's queries, plus the appropriate interest. Refunds for succeeding months would be calculated based upon month's end figures related to that percentage of number portability capable switches from which at least one call had at some time been ported.”

Clarification:

The above paragraph means that if at the end of any month between February, 1999 and August, 1999 (the refund period) only a portion of SWBT's or Pacific Bell's number portability capable switches had at least one number ported from the relevant NXXs, the company would refund 100 % of the monies individual customers paid for queries to number portability capable switches that had not ported at least one number from the relevant NXXs based on the relevant percentage.

The company has determined the percentage of number portability capable switches that had at least one number ported from the relevant NXXs at the end of each month during the refund period. The complement of this percentage is used in determining the refund for prearranged and default query charges for individual customers as is illustrated in the following example:

- An individual SWBT customer was billed \$11.15 in February 1999 for 10,000 prearranged and default queries.
- If 40.5% of SWBT's number portability capable switches had ported at least one number from the relevant NXXs at the end of February, then it follows that 59.5% of number portability capable switches had not ported at least one number from the relevant NXXs.
- Therefore, this customer would be refunded 59.5% of the monies paid for prearranged and default queries for February plus the appropriate interest.

Although the percent of number portability capable switches which had at least one number ported from the relevant NXXs is constant for either SWBT or Pacific Bell for any given month, the refunds are computed individually for each customer. Individual customer's refund are based on the individual customer's actual billing so as to ensure the customer is refunded 100% of the monies they paid for prearranged and default queries using the method outlined above.

Bob Schaefer
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