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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of	)	
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Implementation of the Telecommunications Act of 1996:	)	CC Docket No. 96-115
	)	
Telecommunications Carrier's Use Customer Proprietary Network Information and Other Customer Information	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended	)	CC Docket No. 99-273

PETITION FOR RECONSIDERATION AND CLARIFICATION

ALLTEL Corporate Services, Inc.[1] ("ALLTEL") on behalf of ALLTEL Publishing Corporation and the various ALLTEL affiliated local exchange companies, hereby seeks, pursuant to section 1.429 of the Commission's rules, reconsideration and clarification of two discrete aspects of the Commission's recent decision[2] governing the

[1] ALLTEL Corporate Services, Inc. is the services affiliate of the various ALLTEL local exchange companies and ALLTEL Publishing Corporation, which, in turn, publishes both white and yellow page directories on behalf of both affiliated local exchange companies and other independent telephone companies wholly unrelated to the ALLTEL family of companies. ALLTEL has participated in the rulemaking in this matter.

[2] See, Third Report and Order in CC Docket No. 96-115, Second Order on Reconsideration of the Second Report and Order in CC Docket No. 96-98, and Notice of Proposed Rulemaking in CC Docket No. 99-273, FCC 99-227 (released September 9, 1999) (the "Order"). Federal Register publication of the Order took place on October 5, 1999. See, 64 Fed. Reg. 192 at page 53944.

provision of subscriber list information by local exchange companies to independent directory publishers.[3] In support thereof, the following is respectfully set forth.

As an initial matter, ALLTEL notes that it has no intention of seeking reconsideration of the entire scope of the Commission's Order respecting the provision of subscriber list information to independent publishers pursuant to section 222(e) of the Telecommunications Act of 1996, including, for example, the Order's pricing standards. Rather, ALLTEL seeks reconsideration of two discrete requirements of concern that it believes warrant further review. First, ALLTEL, on behalf of ALLTEL Publishing Corporation, seeks reconsideration of the requirement that every carrier subject to section 222(e) make available to requesting directory publishers, upon request, any written contracts that the carrier has executed governing the provision of subscriber list information for directory publishing purposes to itself, an affiliate or an entity that publishes directories on the carrier's behalf. Order at para. 58. Second, on behalf of the ALLTEL affiliated telephone companies, ALLTEL seeks reconsideration and clarification of the requirement that carriers provide requesting directory publishers with notice of a change in a subscriber's listing status from published to unpublished. Order at para.70.

With respect to the first issue of making contracts available, the proposed rule is overly broad and includes agreements between ILECs and CLECs on the one hand and wholly unaffiliated publishing companies on the other hand. The Order contemplates the provision, simply upon request, of an entire agreement although some of its terms of may

[3] In this connection, ALLTEL notes that although the caption above reflects the caption of the Order, ALLTEL in fact seeks reconsideration and clarification only of those matters noted herein which arise under CC Docket No. 96-115.

be wholly immaterial to the provision of subscriber list information. The Commission has cited no authority under which it can compel parties to make an essentially private contractual agreement available simply upon request in the absence of any bona fide allegation of discrimination in the first instance.

Directory publishing is a competitive business, particularly for those companies seeking the rights to publish the official directory of an unaffiliated carrier. The Commission must note that there are at least two parties to every agreement; from a publisher's perspective, the terms and conditions of agreement with an unaffiliated carrier contain confidential and propriety information which may be wholly unrelated to the provision of subscriber list information (i.e. separate consideration for a publishing right, good will, or use of trademark.) In the absence of a bona fide allegation of unlawful discrimination, these terms and conditions should remain private, lest the publishing company's right to maintain the confidentiality of its agreement be violated.

Further, the Commission has failed to address the potential affects on competition of a requirement conferring only upon one group of market participants (the independent publishers) the unilateral right to compel another group of market participants (publishers with carrier agreements) to disclose the most intimate terms of their business relationship.[4] In ALLTEL's view, the requirement is akin to requiring one bidder and one bidder only, to make its proposal openly available to its direct competitors prior to bid submission.

The Commission's Order clearly indicates that it intends to enforce the provisions implementing section 222(e) through the complaints process, including the accelerated

"rocket docket" process. Consistent with this process, ALLTEL believes that before a carrier may be compelled to release its publishing agreements, a bona fide allegation must first be brought to the Commission's attention and the carrier (and the carrier's publisher) must then be afforded the opportunity to submit the agreement to the Commission for in camera inspection subject to any duly filed request for a protective order. ALLTEL requests that the Commission institute this proposal on reconsideration.

With respect to the requirement that carriers provide notice of a change in listing status of a subscriber's number to unpublished, ALLTEL seeks reconsideration of the provision to the extent it may impose a unilateral notification obligation upon the carrier. Rather, ALLTEL believes that it should be the publisher's responsibility to ensure that the subscriber listing data it maintains is as accurate and up-to-date as possible through the regular purchase of updates prior to publication. As a consequence, ALLTEL seeks reconsideration and clarification of the Order in this regard to ensure that: 1) the requirement exists only to the extent that a carrier's internal systems can produce and accommodate the provision of such notices; 2) carriers must provide the notice of a change in listing status only upon the request of a publisher; and further, 3) the provision of such notices constitutes a distinct service which may be separately priced under the Order's pricing standards from the provision of subscriber list information.

While ALLTEL acknowledges the underlying public interest reasons for the Commission's judgement, it also notes that in the absence of the requested clarification, carriers would be required to shoulder an enormous administrative burden without remuneration. The notice requirement would require carriers, upon receipt of a single

[4] In this connection, ALLTEL seeks clarification as to whether the rule is reciprocal, i.e. that its publishing affiliate would be able to seek a copy any agreement reached between a carrier and an independent

subscriber's request to delist their number, to determine whether the particular subscriber's list information had previously be transmitted to any publisher, and if so, to immediately contact each of the publishers and provide notice. This resource intensive process goes well beyond the provision of a simple data dump of subscriber list information and carriers should be able to recover their legitimate costs in providing the service.

In conclusion, ALLTEL again notes that it has not challenged a major tenet of the Commission's Order, but rather, has only sought reconsideration on two discrete issues worthy of review. ALLTEL urges the Commission to act expeditiously and favorably on the instant petition.

Respectfully submitted,

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publisher.