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UNITED STATES GOVERNMENT
memorandum

DATE: November 4, 1999

REPLY TO

ATTN OF: David H. Siehl, Staff Attorney, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission *DHS*

SUBJECT: **NOTICE OF EX PARTE PRESENTATION** -- Oral Presentation with Representatives of Consumer Groups in Calling Party Pays Service Offering in the Commercial Mobile Radio Services, WT Docket No. 97-207

TO: Ms. Magalie Roman Salas
Secretary
Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Pursuant to Sections 1.1204(a)(10)(iii) and 1.1206(b) of the Commission's Rules, 47 C.F.R. §§ 1.1204(a)(10)(iii), 1.1206(b), hereby submitted to the Secretary is an original and one copy of this memorandum.

In Calling Party Pays Service Offering in the Commercial Mobile Radio Services, Declaratory Ruling and Notice of Propose Rulemaking, WT Docket No. 97-207, FCC 99-137 (released July 7, 1999), at para. 39 (*CPP NPRM*), the Federal Communications Commission directed its Wireless Telecommunications Bureau to work with the states through the National Association of Regulatory Utility Commissioners (NARUC), as well as with interested wireless industry and consumer representatives, to develop a consensus implementation of the Commission's calling party pays (CPP) notification proposal. Pursuant to that directive, the Policy Division, Wireless Telecommunications Bureau participated in a conference call with representatives of consumer groups on October 29, 1999. This memorandum summarizes the conference call conversation that took place on October 29, 1999. The following persons were present at the conference call in connection with the above referenced proceeding:

Debra Berlyn, Competition Policy Institute
Janee Briesemeister, Consumers Union
Adam Cohn, Federal Trade Commission
Jim Conran, Global Wireless Consumers Alliance
Rick Guzman, of Texas Office of Public Utility Counsel (Texas OPC), also
standing in for Mark Cooper, Consumer Federation of America
Jeff Kramer, AARP
Chris Baker, AARP
Jill Sandford, New York Office of the Attorney General

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Michael Shames, Utility Consumers Action Network
Andrew Brown, Lucas, Blaszak, Block, and & Boothby, LLP, Counsel to Ad Hoc
Telecommunications Users Committee (Ad Hoc) and Association of
Telecommunications Professionals in Higher Education (ACUTA)
Lee Selwyn, Economics and Technology, Inc. (ETI), consultant to Ad Hoc and
ACUTA; and Texas Public Utility Counsel, Consumer Federation of
America, and Consumer Union
Scott Lundquist, ETI, consultant to Ad Hoc and ACUTA; and Texas Public
Utility Counsel, Consumer Federation of America, and Consumer Union

Kris Monteith, Chief, Policy Division, Wireless Telecommunications Bureau
(WTB) FCC
Joe Levin, Economist, Policy Division, WTB, FCC
Mary Woytek, Attorney, Policy Division, WTB, FCC
David Siehl, Attorney, Policy Division, WTB, FCC
Jay Whaley, Attorney, Policy Division, WTB, FCC

The FCC representatives noted that they had met with representatives from industry groups by conference call earlier in the day. The FCC representatives also noted that they had prior conference calls with representatives from NARUC.

The concerns were noted of the various consumer representatives regarding the relationship of the CPP notification to blocking, notification in the Private Branch Exchange (PBX) context, and privity of contract.

The conference call proceeded to focus on the elements of the notification. Each of the four elements that the FCC proposed be included in a notification announcement was discussed. The concerns expressed by consumer representatives centered on the points that the calling parties need to be aware that they will be charged, and through some easily comprehensible means, what they will be charged.

Also discussed was whether there might be a consensus on means to streamline and bypass notification without adversely affecting consumers. These means included the possibility of a menu-driven notification. The potential advantages and disadvantages of a menu-driven notification were discussed, particularly with regard to what should be provided on rate information. Consumer representatives expressed concern that consumers have a need either to hear or access the rate information closer to the beginning of the notification.

Consumer representatives further indicated support for including the identification of the CMRS provider in the notification. They also supported notice to the calling party of the opportunity to terminate the CPP call prior to incurring any charges, and also, provision of that choice by affirmatively pressing a number.

The various parties also discussed further efforts to arrive at a consensus implementation.