

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

In the Matter of

Petitions for Declaratory Ruling Filed by
Beehive Telephone Company and Database
Services Management, Inc.

Toll Free Access Codes

NSD File Nos. 99-87 & 99-88

CC Docket No. 95-155

REPLY COMMENTS OF THE BELL OPERATING COMPANIES

The SMS/800 system has been operating for more than six years. Its largest user, AT&T, has said that “the 800 SMS database administration is currently functioning in a problem-free manner.”¹ Sprint finds the performance “satisfactory.”² Several years ago, the Common Carrier Bureau Chief noted that no party has ever “alleged specific acts of discrimination by the BOCs or Bellcore in connection with the 800 database.”³ And yet, MCI alone claims that SMS/800 is characterized by “inflated costs, unaccountable administration, [and] anticompetitive conduct.”⁴ Especially because MCI provides no facts to support its claims and has never made any effort to seek redress for these unspecified abuses, the Commission should ignore its minority view of the way the existing system is working.

¹ Comments of AT&T Corp. at 4 (May 22, 1997).

² Sprint Comments at 2 (Dec. 1, 1999).

³ Letter from Kathleen Wallman, Chief, Common Carrier Bureau, to James S. Blaszak, Gardner Carton & Douglas et al. at 2 (June 21, 1995).

⁴ MCI Comments at 5 (Dec. 2, 1999).

Both MCI and Sprint contend that the current arrangement is not “neutral” as required by section 251(e). Neutrality, however, is guaranteed by the tariff. All providers have access to the SMS/800 on the same terms, under the oversight of the Commission. The statute is, therefore, satisfied.

The fact that the Bell operating companies oversee SMS/800 does not make the arrangement non-neutral. The Commission faced a similar issue in connection with number portability administration. In that case, some parties argued that the system proposed by the NANC did not satisfy section 251(e) because the number portability administrators would be under the direction of limited liability corporations that were controlled by competitive local exchange carriers.⁵ The Commission disagreed, concluding that there were “significant protections to ensure fair and impartial actions by the LLCs.”⁶ The protections that existed there fall short of those that exist for SMS/800, which is provided under tariff and is subject to the Title II safeguards.⁷ If that arrangement satisfied the statute, so does this one.

Respectfully submitted,

BELL ATLANTIC
BELLSOUTH TELECOMMUNICATIONS, INC.
SBC COMMUNICATIONS
U S WEST, INC.

by John M. Goodman

⁵ See *Telephone Number Portability*, 12 FCC Rcd 12281 ¶ 118 (1997).

⁶ *Id.* ¶ 121.

⁷ The Commission also found that section 251(e) did not require that oversight of the administrator be neutral, as long as the administrator itself was neutral. *Id.* ¶ 122. MCI apparently disagrees with the Commission’s analysis when it claims that the impartiality of the overseers must be attributed to the administrator. MCI at 10.

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