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

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In the Matter of	)	
	)	
Implementation of the Telecommunications Act of 1996	)	CC Docket No. 96-115
	)	
Telecommunications Carriers' Use Of Customer Proprietary Network Information and Other Customer Information	)	
	)	
Implementation of the Non-Accounting Safeguards of Sections 271 and 272 Of the Communications Act of 1934, As Amended	)	CC Docket No. 96-149

REPLY OF GTE

GTE Service Corporation and its affiliated domestic communications companies (collectively "GTE")[1] respectfully submit their reply to comments filed in response to the *MCI WorldCom Petition for Further Reconsideration* in the above-captioned matter.[2]

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[1] These comments are filed on behalf of GTE's affiliated domestic telephone operating companies, GTE Wireless Incorporated, GTE Media Ventures, and GTE Communications Corporation. GTE's domestic telephone operating companies are: GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., and Contel of the South, Inc.

[2] MCI WorldCom Petition for Further Reconsideration, CC Docket Nos. 96-115 and 96-149 (filed Nov. 1, 1999).

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GTE argued in its *Opposition and Comments* that the Commission should reject much of the *MCI WorldCom Petition for Further Reconsideration*, as it is patently inconsistent with Section 222 of the 1996 Act.[3] Nothing that has since been added to the record in this proceeding has altered this view.

The above notwithstanding, GTE agrees with BellSouth that the Commission's decision, whatever it may be, must apply equally to all carriers, including incumbent local exchange carriers.[4] In the *Order on Reconsideration,* the Commission reaffirmed its conclusion "that section 222 does not distinguish between classes of carriers and applies to all carriers equally."[5] GTE continues to believe that this is the correct interpretation of the Statute. Further, Section 222 and the FCC's implementing rules strike a delicate balance between customer privacy and promoting competition. As such, the development of meaningful competition, which is the linchpin of the 1996 Telecommunications Act, depends upon even-handed application of that balance to all carriers with respect to CPNI obligations. Given that marketing efforts – the success of which can hinge on the ability to access CPNI – are the driving force behind the

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[3] Opposition and Comments of GTE, CC Docket Nos. 96-115 and 96-149, at 3-4 (filed Dec. 2, 1999).

[4] *See* BellSouth Opposition and Comments, CC Docket Nos. 96-115 and 96-149, at 2 (filed Dec. 2, 1999) (stating that "the Commission must ensure that a prospective carrier's opportunity to obtain approval from the customer of another carrier 'during a marketing conversation' is not easier than the current provider's opportunity to obtain approval from its own customer for 'out-of-bucket' marketing during similar conversations").

[5] *Implementation of the Telecommunications Act of 1996*, FCC 99-233, CC Docket Nos. 96-115 and 96-149, ¶ 11 (Order on Reconsideration and Petitions for Forbearance) (rel. Sept. 3, 1999) ("*Order on Reconsideration*").

development of effective competition, any relaxation of the Commission's customer consent requirements must apply to both incumbents and new entrants alike.

Respectfully submitted,

GTE Service Corporation and its
Designated Affiliates

By: _____

Gregory J. Vogt
Andrew K. Long
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

John F. Raposa
GTE Service Corporation
600 Hidden Ridge
HQE03J27
Irving, Texas 75038
(972) 718-6969

December 15, 1999

CERTIFICATE OF SERVICE

I, Carol Hilton, hereby certify that on this 15th day of December, 1999, I caused copies of the foregoing *Reply of GTE* to comments filed in response to the *MCI WorldCom Petition for Further Reconsideration* in CC Docket Nos. 96-115 and 96-149 to be mailed via first-class postage prepaid mail to the following:

*Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554
(Original and thirteen copies)

*International Transcription Service, Inc.
445 12th Street, S.W., Room CY-B402
Washington, D.C. 20554

Mary L. Brown
MCI WorldCom, Inc.
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Mark C. Rosenblum
Judy Sello
AT&T Corp.
Room 1135L2
295 North Maple Avenue
Basking Ridge, NJ 07920

Lawrence W. Katz
Bell Atlantic Corporation
1320 North Court House Road
Eighth Floor
Arlington, VA 22201

via hand delivery

A. Kirven Gilbert III
BellSouth Corporation
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

William L. Fishman
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007-5116

Jay C. Keithley
Michael B. Fingerhut
Sprint Corporation
1850 M Street, N.W.
11th Floor
Washington, D.C. 20036

Alfred G. Richter, Jr.
Roger K. Toppins
William A. Brown
SBC Communications Inc.
One Bell Plaza, Room 3004
P. O. Box 655521
Dallas, TX 75265-5521

Gary Phillips
1401 H Street, N.W.
Room 1020
Washington, D.C. 20005

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1620 I Street, N.W.
Suite 701
Washington, D.C. 20006

Kathryn Marie Krause
U S WEST, INC.
Suite 700
1020 19th Street, N.W.
Washington, D.C. 20036

Carol Hilton

Carol Hilton