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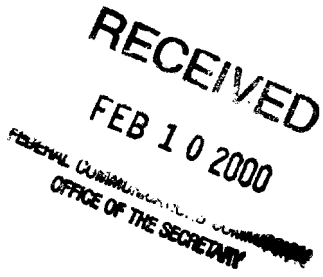

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 – 12th Street, SW
Room: TW-A325
Washington, DC 20554

Re: WT Docket No. 97-207

Dear Ms. Salas:

Today, John Goodman of Bell Atlantic Government Relations and the undersigned met with Brian Traymont of Commissioner Furchtgott-Roth's office to discuss the Commission's proceeding on Calling Party Pays. A summary of issues discussed at that meeting follows.

CPP Notification – Inseverability of Interstate and Intrastate Calls

In the comments it filed in WT Docket No. 97-207, Bell Atlantic discussed the additional costs and confusion that would be caused by multiple, potentially conflicting state-imposed disclosure obligations. For these reasons, Bell Atlantic urged the Commission to establish a nationwide notification standard consistent with the format proposed in the Notice of Proposed Rulemaking. Bell Atlantic Mobile (BAM) has employed such a notification in the offering of its trial CPP service in Delaware, which began in November 1999. A requirement for BAM to provide a different notification to callers depending on whether the call is interstate or intrastate would not only be prohibitively expensive and confusing, it would not be technically feasible for the reasons described herein.

Mobile customers typically register their location in the network in one of three ways. First, phones are registered when they are turned on. Second, phones that are turned on periodically register their location (e.g., every half hour). Finally, base stations located along borders may poll phones for more frequent registration. The registration is performed in the switch. When a call is made to a mobile customer, the mobile network determines the switch at which that customer was last registered and routes the call to that

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switch. The switch then pages the base stations served out of that switch to determine the cell in which the mobile customer is located. The base station, however, cannot determine with certainty where the mobile customer is located. If the base station is located near a state boundary, it will not be able to determine in which state the mobile customer is located. Moreover, the customer may cross state boundaries during the duration of a single call. Thus, it is not possible to determine with certainty whether the call is interstate or intrastate at any particular time.

Even if it were possible to determine with certainty that a mobile customer was located in a particular state (e.g., because the base station is not located near a state boundary), it would be impossible for Bell Atlantic to determine the jurisdiction of the call for the purposes of providing a state-imposed notification versus an FCC-imposed notification. In the case of BAM's CPP trial in Delaware, Bell Atlantic's telephone companies provide the notification, routing, and billing functions. The announcement which precedes any CPP call is played from the Bell Atlantic access tandem before the call ever reaches BAM's mobile network. Thus, the identification of the mobile switch and base station that will ultimately serve the mobile customer is not even known at the time that the announcement is played. It is, therefore, not possible to determine whether a CPP call is interstate or intrastate in advance of providing notification of charges to the caller.

Blocking of PBX-Originated Calls

Some colleges and universities that operate PBXs have expressed concern about the potential for CPP calls to be billed to them. Bell Atlantic understands these concerns, and believes that its CPP service has addressed them without regulatory intervention.

In the CPP trial that Bell Atlantic Mobile (BAM) is currently conducting in Delaware, certain types of subscriber lines are treated as "unbillable". These include hotel and hospital rooms, payphones, and other lines that do not accept collect calls. To ensure that CPP charges are not billed to these lines, CPP calls from these locations are redirected to a system that allows the caller to bill the call to a credit card. If any PBX owner (including a college or university) refuses to be billed for collect calls, it will not be billed for CPP calls either. This would appear to solve the problem for colleges and universities that have expressed a concern about CPP charges. At this time, Bell Atlantic cannot treat CPP calls differently from collect calls.

It is important to note that the Commission should not take any action that would make it impossible for a caller to make a CPP call. BAM's credit card process ensures that callers have the freedom to make a call while providing PBX owners a means for guarding against unauthorized charges.

Provision of BNA

Bell Atlantic disagrees with those commentators that believe LECs are required to provide billing name and address (BNA) as an unbundled network element (UNE). This would not be consistent with the statutory definition of UNE and would not result in all LECs providing BNA since the UNE requirement only falls to incumbent LECs. Bell Atlantic urges the Commission to require all LECs to provide BNA. Wireless carriers who require BNA to bill CPP will need billing information from all LECs, not just incumbent LECs. We believe that the FCC's rules already include this requirement. Following are citations from previous FCC orders which support this conclusion.

> "We found that BNA is generated by LECs in the provision of local exchange service and appeared to be uniquely in the possession of the LEC. We tentatively concluded that access to BNA, like validation data, is an integral part of exchange access, and should be provided by the LECs on a tariffed, non-discriminatory basis at just and reasonable rates." 8 FCC Rcd. 4478 ¶ 5.

> "[W]e conclude that BNA access should be treated as a Title II common carrier service. In applying the NARUC I test, when the service provider possesses market power, and there is no countervailing factor militating against the exercise of such power, we have required the provider of a communications service to hold itself out indiscriminately to the public on a common carrier basis. In the instant case, the record reveals that only the LECs can provide BNA in accurate, up-to-date form. BNA is generated exclusively by LECs as a byproduct of their provision of exchange access service, and only LECs have the capacity to keep this information current. Other sources of BNA information identified by opponents of BNA access are neither as accurate nor as complete as the date maintained by the BOCs. For instance, Integretel asserts that while certain non-telecommunications collection agencies have compiled incomplete lists which match telephone numbers with BNA, these companies produce accurate information for only approximately forty percent of all bills. These directories are not current enough to permit billing and collection for third party and collect calls. Based on these factors, we conclude we cannot rely on competition to ensure that IXCs have access to reliable, current BNA, and we cannot be confident that all LECs will provide BNA at reasonable rates and in a nondiscriminatory basis unless BNA is regulated as a Title II service. Accordingly, we conclude that LECs should be required to tariff BNA information to interstate communications service providers." *Id.* ¶ 16.

> "The Commission adopted a number of requirements regarding BNA information in the BNA Order. First, the BNA Order found that providing BNA information is a communications common carrier service, and is subject to Title II of the Communications Act. Therefore, we required LECs to provide BNA information under tariff to telecommunications service providers (TSPs)." 11 FCC Rcd 6835 ¶ 3 (1996).

Please include a copy of this ex parte presentation in the record for the above captioned proceeding. If you have any questions, you may call me on (202) 336-7873.

cc: B. Traymont