

Public Service is a member of the United States Telecom Association ("USTA"). As such, Public Service recognizes that a pending Petition filed by USTA seeks similar relief for USTA member companies.⁴ Accordingly, in the event that action on the USTA Petition does not grant the extent of the relief requested herein, Public Service requests a waiver of the TIB Requirements until June 1, 2000. Public Service seeks limited waiver until June 1 to complete the necessary modifications, but anticipates that compliance may be achieved during the month of May.

I. Summary and Request for Relief

The Commission's primary TIB objective, in addition to reducing slamming and other telecommunications fraud, is to provide customer bills with greater clarity and additional information to aid customers' understanding of, and make more informed choices regarding, the telecommunications services they use.⁵ Public Service supports these goals and has made reasonable, good faith efforts to implement the TIB rules by April 1, 2000. Unfortunately, due to unanticipated technical problems experienced by Public Service's software programming staff, the modifications to its billing system necessary to render a fully TIB-compliant end user bill have not yet been completed. As demonstrated herein, absent granting this temporary, limited waiver, Public Service will be forced to end billing and collection services for third party service providers which would eliminate the customer convenience of a single bill for multiple service providers and would create the potential for more customer confusion arising from the multiple bills.⁶ Grant of

⁴ See Public Notice, DA 99-1616, released August 13, 1999.

⁵ See 47 C.F.R. § 64.2400(a).

⁶ The Commission has acknowledged that "consumers have generally expressed a preference for a single bill" TIB Order at para. 6.

the requested waiver, particularly with the conditions that Public Service has agreed to have placed on such grant, will avoid these adverse consequences while advancing the Commission's goal for TIB in an alternative manner for a limited time until TIB compliance can be achieved.

Despite Public Service's reasonable and good faith efforts to complete the software programming changes necessary for its billing system to be fully TIB compliant by April 1, only recently has Public Service's programming staff confirmed with management that unanticipated technical problems have delayed completion of those software changes.⁷

Public Service agrees that the relief granted by the Commission should be conditioned upon it:

1. Continuing to work as quickly as possible to complete software changes and properly test the changes in advance of the requested June 1, 2000 compliance date;
2. Assisting customers with inquiries regarding new service providers that did not appear on the "previous billing statement," and the "nature of the relationship" the provider has with the customer;⁸
3. Providing a bill message and/or insert consistent with the requirements included in the December TIB Order that describes its compliance efforts associated with the TIB New Service Provider Requirement, and the expected date of compliance.

II. Good Cause Exists for and the Public Interest will be Served by a Grant of this Limited Waiver

Based on the following facts and circumstances, Public Service submits that good cause exists for a grant of this temporary, limited waiver, and that the public interest will be served by such action rather than by strict adherence to the TIB New Service Provider Requirement.

⁷ The effective date of the TIB rule at issue was delayed until April 1, 2000. See Public Notice, DA 99-2030 (Sept. 30, 1999); 64 Fed. Reg. 55163 (Oct. 12, 1999).

⁸ 47 C.F.R. § 64.2401(a)(2)(ii).

Public Service provides exchange and exchange access services to approximately 11,500 lines in Georgia. Public Service is a rural telephone company under the Communications Act of 1934, as amended. Public Service relies entirely upon its internal resources for billing system services (i.e., software modifications and support). Public Service has one full-time employee dedicated to software programming. In the summer of 1999, Public Service retained a full time contract programmer to work with its existing full time employee on TIB compliance. In July, 1999, Public Service began addressing the FCC's various TIB requirements in order to ascertain what billing system changes would be required to ensure Public Service's compliance, and included these activities as part of its Year 2000 issue checklist associated with all of its computer-based systems.

Public Service requested and, on December 27, 1999, received waiver of the requirements of Section 64.2401(a)(2) regarding separating charges by service provider, Section 64.2401(b) regarding description of charges, and Section 64.2401(d) regarding disclosure of inquiry contacts. Public Service's programming staff has completed work on those items, although the changes required more time than Public Service expected. In particular, Public Service encountered technical problems in January, 2000 in utilizing the "modules" sent from Independent NECA Services ("INS"), the clearinghouse utilized for billing for casual calling and alternate service providers (collectively referred to as "AOS providers")(i.e., carriers other than the presubscribed "1+" carrier of the customer). INS has assisted Public Service by sending specifications on reading these "modules." Public Service has never had any reason in the past to read such modules. Special programming is, therefore, being performed to read these billing modules from INS. Public Service has been working simultaneously on a second category of programming changes necessary to meet the New Service Provider Requirement in connection with its billing for 1+ carriers.

In late February, it became apparent to Public Service's in-house programmers that additional time might be necessary to complete the programming changes to meet the New Service Provider Requirement. At that time, Public Service took all reasonable steps to accelerate its software development in an effort to comply with the TIB requirements. During the period in which Public Service was working diligently to meet the April 1 TIB effective date, it was also required to make several other modifications to its billing system software, which inevitably slowed the process. Specifically, on March 7, 2000, the Georgia Public Service Commission released an order, effective April 1, 2000, requiring changes in all local rates applicable to one EAS route. Also, a Georgia sales tax change will take effect April 1, 2000. While these changes were anticipated, they could not be added to the program until completion of the March billing cycle run. In addition to AT&T rate changes which need to be added, AT&T notified Public Service in January that it would be conducting a Carrier Access Billing audit beginning March 28, 2000. Preparation for this audit includes preparing a program to set aside 200 call records into a separate file for test runs. While the necessity of meeting the FCC timetable was well understood, Public Service had no choice but to meet all these requirements and coordinate software programming activities as efficiently as possible.

In mid-March, Public Service recognized that compliance with the TIB Requirements for its bills rendered after April 1 would not occur despite its best efforts. Public Service considered hiring additional computer programming personnel in March but believed that this approach would be counterproductive because of the learning curve associated with the billing system and the TIB Requirements.

Despite Public Service's reasonable and good-faith efforts, the software changes necessary to comply with the TIB Requirements will not be completed by April 1, 2000. The unanticipated problems in reading the clearinghouse modules and completing the billing system programming changes make compliance with the TIB New Service Provider Requirement by the April 1, 2000 effective date technically infeasible.⁹ Accordingly, based on these facts and circumstances, Public Service submits that good cause exists for the requested temporary, limited waiver.¹⁰

As demonstrated herein, the compliance issue confronting Public Service primarily arises as a result third party billing services it provides, including those for "1 +" billing and collection services it offers to interexchange carriers and/or the billing and collection services offered to providers of AOS services. Facing the risk of non-compliance with the TIB New Service Provider Requirement, Public Service will be forced to terminate its billing relationships with such providers. Public Service respectfully submits that this result will lead only to customer inconvenience and confusion because such customers will receive multiple bills instead of a single bill. Further, Public Service's decision to terminate such services may very well increase the cost to such providers for billing and collection, thereby inhibiting the continued development of a

⁹ See 64 Fed. Reg. 55163 (Oct. 12, 1999); see also December TIB Order at para. 6.

¹⁰ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

competitive service marketplace. Contrary to these results, however, grant of temporary, limited waiver with the conditions agreed to by Public Service will advance the public interest by avoiding these adverse customer and carrier impacts. Accordingly, strict compliance by Public Service with the TIB New Service Provider Requirement would be inconsistent with the public interest.¹¹ Application of the April 1, 2000 deadline for the TIB New Service Provider Requirement in these instances also would be inequitable and unduly burdensome, particularly since there is no reasonable alternative available to Public Service with respect to completion of the necessary software changes except to continue its TIB upgrades as quickly as possible. Finally, Public Service notes that it has experienced minimal customer inquiries regarding its third party billing, and anticipates this experience to continue.

Accordingly, Public Service submits that the public interest would be advanced by a grant of temporary, limited waiver as requested herein, and that goals of the TIB Requirements would be achieved in an alternative manner for a limited time until TIB compliance can be achieved.

III. Conclusion

Because Public Service is technically incapable of complying with the TIB New Service Provider Requirement by April 1, 2000, a grant of additional time until June 1, 2000, will ensure that Public Service can complete implementation of its software upgrades/changes and successfully test the billing system changes required to implement the TIB New Service Provider Requirement

¹¹ This conclusion is also consistent with that reached by the Commission when it recognized that the TIB New Service Provider Requirement and the TIB Deniable/Nondeniable Requirement are those "likely to require the most computer programming resources. . . ." (December TIB Order at para. 2) and that the public interest would be served by accommodating differing implementation schedules based on computer programming requirements. See generally id. at paras. 6-9.

in an efficient manner, while avoiding unnecessary and wasteful expense. At the same time, the consumer goals of these TIB rules will not be frustrated by a grant of this request in light of the conditions that Public Service has agreed should be part of the relief.

Accordingly, in the event that action on the USTA Petition does not grant the extent of the relief requested herein, Public Service requests a waiver of the TIB New Service Provider Requirement, 47 C.F.R. § 64.2401(a)(2).

Respectfully submitted,

Public Service Telephone Company



By:

David Cosson
Thomas J. Moorman
Margaret Nyland

Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Suite 520
Washington, D.C. 20037
(202)296-8890

March 24, 2000

Its Attorneys

**Declaration of Austin E. Guinn III
Manager, Regulatory and Industry Affairs
Public Service Telephone Company**

I, Austin E. Guinn III, Manager, Regulatory and Industry Affairs for Public Service Telephone Company ("Public Service"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Temporary, Limited Waiver" and the information contained therein regarding Public Service is true and accurate to the best of my knowledge, information, and belief.

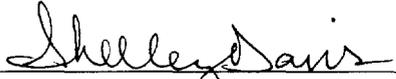
Date 3-24-00



Austin E. Guinn III
Manager, Regulatory and External Affairs

CERTIFICATE OF SERVICE

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that a copy of the foregoing "Petition for Temporary, Limited Waiver" was served on this 24th day of March, 2000, by hand delivery to the following parties:



Shelley Davis

Lawrence Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C450
Washington, DC 20554

Carol Matthey, Deputy Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5B125
Washington, DC 20554

Glenn T. Reynolds, Division Chief
Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-A847
Washington, DC 20554

Katherine Schroder, Deputy Chief
Accounting Policy Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C453
Washington, DC 20554

Deena Shetler, Legal Counsel
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C410
Washington, DC 20554

International Transcription Services
1231 20th Street, NW
Washington, DC 20554