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March 24, 2000

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Ms. Magalie Roman Salas

Secretary

Federal Communications Commission
OFFICE OF THE SECRETARY

445 12th Street, S.W.

12th Street Lobby

Counter TW-A325

Washington, D.C. 20554

Re: *CC Docket No. 96-115; CC Docket No. 96-98; CC Docket No. 99-273;*
CC Docket No. 97-172 Ex Parte Communication

Dear Ms. Salas:

We write on behalf of INFONXX, Inc. ("INFONXX"), a competitive directory assistance ("DA") provider, in connection with the Commission's consideration of rules to implement Section 251(b)(3) of the Communications Act of 1934 (the "Act"). In the U S WEST *NDA Order*, the Commission granted the Bell Company forbearance from imposing Section 272's separate affiliate requirement but explicitly retained the safeguards of Section 272(c)(1) to protect competition in the nonlocal directory assistance marketplace.¹ Specifically, the Commission required that U S WEST "make available to unaffiliated entities all of the in-region directory listing information it uses to provide regionwide directory assistance service at the same rates, terms, and conditions it imputes to itself."² Thus, U S WEST – and presumably any other Bell company granted similar forbearance – must provide in-region directory listing information to all requesting entities at the same rates, terms, and conditions that it would charge its own affiliate.

In theory, retention of Section 272's nondiscrimination safeguards should foster competition on a level playing field. In practice, however, nothing has changed. As the attached letter from SBC demonstrates, incumbent carriers have not changed their position (or their offering) one iota in response to the *NDA Order*. For this reason, prompt Commission action is needed in the above-captioned rulemaking proceeding to afford competitors nondiscriminatory access to ILECs' directory assistance information at reasonable rates.

* * * * *

¹ Memorandum Opinion and Order, *In re Petition of U S WEST for a Declaratory Ruling Regarding the Provision of National Directory Assistance*, CC Docket No. 97-172, FCC 99-133, ¶ 36 (rel. Sept. 27, 1999) ("*NDA Order*").

² *Id.* at ¶ 37.

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Please address any questions to the undersigned.

Sincerely,



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