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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

NTCA
The Voice of Rural Telecommunications

September 27, 2000

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

EX PARTE OR LATE FILED

Re: Ex Parte Notice
CC Docket No. 94-129

Dear Ms. Salas:

On Tuesday, September 27, 2000 David Cosson and Jill Canfield met with Dana Bradford and Will Cox, attorneys with the Accounting and Policy Division of the Common Carrier Bureau to discuss the slamming rules. David Cosson is a partner with the law firm Kraskin, Lesse & Cosson, LLP and was there as a representative of a group of rural local exchange carriers known as the Rural LECs and the National Telephone Cooperative Association (NTCA). Jill Canfield is Regulatory Counsel with NTCA.

Specifically, the group discussed petitions for reconsideration of the Commission's Second Report and Order in the above-referenced docket filed by both the Rural LECs and NTCA seeking reversal of the FCC's decision to prohibit executing carriers from verifying carrier change requests. An outline of the discussion was distributed at the meeting and is attached.

In accordance with FCC rules, I am submitting two copies of this letter and the outline distributed at the meeting. If you have any questions, please do not hesitate to call me.

Very truly yours,

Jill Canfield
Regulatory Counsel

Enclosure

No. of Copies rec'd 0+2
List ABCDE

cc: Dana Bradford
Will Cox

NATIONAL TELEPHONE COOPERATIVE ASSOCIATION
4121 Wilson Boulevard • Tenth Floor • Arlington, Virginia 22203-1801
Phone/703. 351. 2000 • Fax/703. 351. 2001 • www.ntca.org

U.S. v. Playboy Entertainment Group, Inc.

- Restrictions on the content of speech are subject to strict scrutiny .
- Content based regulations are presumptively invalid, government bears burden to rebut the presumption
- Must be narrowly tailored to promote a compelling government interest
- Must demonstrate that the harms are real and restrictions will in fact alleviate them.
- If a less restrictive alternative would serve governments purpose, it must use that alternative.

NTCA/Rural LECs Recon Petitions.

- No evidence, only speculation, of use of verification for competitive advantage; many LECs do not even have IXC offering.
- Less restrictive alternative proposed, i.e., rule prohibiting marketing.
- Verification prevents slamming
- Verification does not violate Section 222(b); information is not proprietary as to subscriber
- Decision violates principles of agency law.
- Decision violates Regulatory Flexibility Ac

TRAC Ex Parte

Supports LEC verification