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OCT 30 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 30, 2000

NOTICE OF EX PARTE PRESENTATION

EX PARTE OR LATE FILED

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

RE: CC Docket 96-115, Telecommunications Carriers' Use of Customer Proprietary Network and Other Customer Information; CC Docket 96-98, Implementation of the Local Competition Provisions of the Telecommunications Act of 1997; CC Docket No. 99-273, Provision of Directory Listing Information Under Telecommunications Act of 1934, as amended

Dear Ms. Salas:

On Monday, October 30, 2000, Jan Rogers from SBC, Ben Almond, Sid White and Mary Henze from Bellsouth, Elridge Stafford from Qwest and I met with Jordan Goldstein, Legal Advisor to Commissioner Ness to discuss the pricing of Directory Listing Services.

Directory assistance listings are a competitive wholesale service and should have market based pricing. Support for this position can be found in the UNE Remand Order (emphasis on paragraphs 438-464) and in Section 251 (b)(3) of the Telecommunications Act. Additional support can be found in FCC approved 271 filings and state approved interconnect contracts. The attached material was used as part of our discussion.

Sincerely,

Celia Nogales

Attachment
cc: Jordan Goldstein

Directory Assistance Listing Pricing

FCC Ex Parte Presentation October 30, 2000

DA Listing prices should be market-based

- UNE Remand Order: OA, DA, DA listings are competitive services
- LEC's obligations to provide DA listings exists under Section 251(b)(3)
- No obligation to provide at cost-based prices
- DA listings are not telecommunication services; Section 201 not applicable

DA Listing should be market-based

- UNE Remand Order Paragraph 473:
  - when a service is no longer a UNE "it would be counterproductive to mandate that the incumbent offers the element at forward-looking prices. Rather, the market price should prevail, as opposed to a regulated rate which at best, is designed to reflect the pricing of a competitive market."

DA Listing should be market-based

- FCC's Texas 271 Order paragraph 348:

  LECs' obligations that do not fall under UNE requirement are not subject to the requirement that rates be based on forward-looking costs.

DA Listing should be market-based

- FCC approved SWBT's Texas 271-compliant interconnection agreement (T2A) with market-based DA listing prices.
- Oklahoma and Kansas commissions approved market-based pricing in 271-compliant interconnection agreements.
- Market-based pricing rates are in hundreds of SWBT interconnection agreements approved by state commissions since 1996.

DA listings should be utilized for voice DA service

- LECs' obligations are for wholesale DA listings per Section 251(b)(3) of the Act.
- DA listings use restrictions reflect parity with LECs' own use of DA listings.
- Customer's name, address and telephone number information used for other purposes (Internet, printed directories, etc.) can be negotiated under a separate agreement.

DA listings should be utilized for voice DA service

- LEC's obligation to provide name, address and telephone number to directory publishers is contained in Section 222(e) of the Act. This obligation is separate from the 251(b)(3) obligation to provide OS, DA and DA listings to competing carriers.
- FCC and Congress acknowledged different uses for customer information and should be treated separately.

Direct access to DA database vs. DA listings in bulk

- CLECs and toll carriers can access LEC's DA database on a query-by-query basis under 251(b)(3) of the Act.
- Listings obtained in bulk, with daily updates allow competing DA operators to access listing information in their own database.

DA listings in bulk with daily updates at market based pricing

- DA listings are competitive services and should be priced to best address the market
- Parties should be free to negotiate their own agreements
- Usage of DA listings purchased in bulk is on the "honor system;" thus inappropriate

DA Listing prices should be market-based

- DA listings are competitive wholesale services
- LEC's obligations to provide DA listings exists under Section 251(b)(3), not 251(c)(3)
- No obligation to provide at cost-based prices