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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 3, 2001

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby
Counter TW-A325
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: *CC Docket No. 96-115, Telecommunications Carriers' Use of Customer Proprietary Network and Other Customer Information; CC Docket No. 96-98, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; CC Docket No. 99-273, Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended*

Notice of Ex Parte Communication

Dear Ms. Salas:

Today, Lois Pines and the undersigned, counsel to InfoNXX, met in separate meetings with Commissioner Harold Furchtgott-Roth and his Legal Advisor Rebecca Benyon; with Anna Gomez, Legal Advisor to Chairman Kennard; and with Gregory Cooke of the Common Carrier Bureau; and on January 2, 2001, we met with Jordan Goldstein, Legal Advisor to Commissioner Susan Ness, and with Mr. Cooke, urging prompt action by the Commission in the above-captioned proceeding. We reviewed the various bases of Commission's authority for requiring access to directory listing information by independent directory assistance providers, and the need for access at nondiscriminatory and reasonable rates. We also discussed how Commission action could affect independent DA providers and the need for appropriate consideration to a possible change in status for some entities affected by the Commission's decision in this proceeding. Finally, we reiterated our views on 411 presubscription – that it is not ripe for decision – and on the treatment of directory listings for Internet directories.

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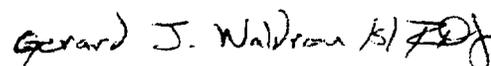
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It is important to note that while one component of nondiscriminatory access is nondiscrimination in prices charged to competing carriers, as a practical matter this requirement is robbed of much of its force if information about rates charged to other carriers is not available. As InfoNXX previously has discussed, the rates that some providers covered under Section 251(b)(3) pay for access to directory listing information have already been established under Section 251(c)(3) interconnection agreements.¹ However, the terms of these agreements are frequently not available because carriers often have side agreements with ILECs that set rates for directory listings, and these side letters are not available for review. Submissions by other commenters in this proceeding also illustrate this point about the inability to obtain pricing data.² For this reason, the Commission should require access to pricing information, on a confidential or non-disclosure basis, to ensure nondiscriminatory rates.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office, and a copy is being submitted each to the individuals listed below. Please direct any questions regarding this notice to the undersigned.

Sincerely,



Gerard J. Waldron
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Counsel to INFONXX

¹Letter to Greg Cooke, Common Carrier Bureau, Federal Communications Commission, from Gerard J. Waldron, CC Docket Nos. 96-98 & 95-116, at 2 (Aug. 10, 1999); see InfoNXX Comments, CC Docket No. 99-273, at 26 (discussing nondiscriminatory pricing).

²Metro One provided the Commission with its rates for directory listings under its U S WEST Oregon interconnection agreement, see Metro One Ex Parte Letter, CC Docket No. 99-273, at 1 (Jan. 14, 2000), but there is no evidence that those rates were discoverable by other providers. See also Excell Ex Parte Letter, CC Docket No. 99-273, at 2-3 (Dec. 9, 1999) (discussing difficulty of determining and obtaining nondiscriminatory rates for ILEC directory listings).

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cc: Commissioner Harold Furchtgott-Roth
Ms. Rebecca Benyon
Mr. Jordan Goldstein
Ms. Anna Gomez
Mr. Gregory Cooke