

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of the Subscriber Carrier)
Selection Changes Provisions of)
The Telecommunications Act of 1996)

CC Docket No. 94-129

Polices and Rules Concerning)
Unauthorized Changes of Consumers')
Long Distance Carriers)

**COMMENTS OF COX COMMUNICATIONS, INC. IN SUPPORT OF
VOICELOG'S PETITIONS FOR PARTIAL STAY AND FOR RECONSIDERATION**

Cox Communications, Inc., on behalf of its telephone subsidiaries ("Cox"), hereby submits these comments in support of the petitions for partial stay and reconsideration of the Commission's *Third Report and Order*¹ filed by VoiceLog LCC ("VoiceLog") on March 28, 2001 in this proceeding.

Cox's telephone subsidiaries are state-certificated, facilities-based local exchange carriers serving over 240,000 residential and commercial customers in Arizona, California, Connecticut, Florida, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Rhode Island and Texas. These companies must comply with the Commission's slamming regulations and are directly affected by the rule changes adopted by the Commission in the *Third Report and Order*.

VoiceLog has requested that the Commission reconsider its decision to require a carrier (or its sales representative) initiating a three-way conference call or a call through an automated

¹ Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, *Third Report and Order*, 15 FCC Red 15996, 16015 (2000) ("*Third Report and Order*").

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verification system to drop off the call once the connection has been established (the “drop off rule”).² VoiceLog has also asked the Commission to stay the application of the drop off rule to the extent that the rule would prohibit a carrier or a carrier’s sales representative from remaining silently on the line during a third-party verification (“TPV”) call in order to assist the subscriber in reaching a live person or terminate the call connection. Because imposition of the drop off rule would harm Cox and its telephone customers, Cox urges the Commission to expeditiously grant VoiceLog’s petitions for partial stay and reconsideration.

DISCUSSION

Cox is committed to accurately verifying its change orders, and has a strong commitment to preventing slamming. In its experience as a new local exchange carrier, it has learned that automated TPV is an effective and affordable way to verify sales transactions to ensure that customers in fact want to change carriers. VoiceLog, for example, charges 50 to 75 percent less than live-operator TPV companies. Yet it is still able to provide quality verifications that effectively prevent slamming and, consequently, a carrier’s liability for unauthorized charges. Cox would incur substantial additional expense in marketing its services if it were unable to use these types of automated TPV services.

If the drop off rule is not stayed, Cox and consumer choice will be harmed unnecessarily. Cox’s experience reveals that automated TPV services best serve consumer needs when sales agents are available as customers use the service. Even a sales agent who is silent, or who speaks only to assist the subscriber in reaching a live person or terminating the call connection, can play a critical role in ensuring that consumer intent regarding his choice of carrier is realized.

² The drop off rule provides that “[a] carrier or a carrier’s sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.” 47 C.F.R. § 64.1120(3)(ii).

Automated verification uses recorded questions with touch pad prompts. An agent on the line can determine whether a customer is having difficulty using the automated process and might be better served using the optional live operator. The agent can then provide assistance to that person in reaching the live operator. In Cox's experience, if a customer becomes frustrated and does not remember to try the live operator, the customer is likely simply to hang-up – frustrating consumer choice and unnecessarily resulting in a loss of sales for our company.

Similarly, customers sometimes have questions that occur to them during the verification process. If the agent is on the line, he or she can then terminate the TPV session, respond to the customer's inquiries, and reinitiate the TPV. However, under the drop off rule, there is no practical way for the customer to get answers to his or her questions. Even if the consumer can be reconnected to the agent's call center, it is very unlikely that the consumer will be connected to the sales agent the consumer had worked with, and who is in the best position to provide the assistance that consumer needs. This also frustrates consumer choice and results in unnecessary lost sales.

Because it will increase the cost of verification and may result in lost sales, Cox will suffer irreparable harm if the drop off rule is not partially stayed. At the same time, granting the stay—which is limited to allowing a sales agent to remain silently on the line, assist the subscriber in reaching a live person, or terminate the call connection—will ensure that consumers are not unduly influenced during the TPV process. To the contrary, the limited stay requested by VoiceLog will assist consumers in their selection of alternative providers. It is therefore in the public interest to grant VoiceLog's requests.

CONCLUSION

For the foregoing reasons, Cox asks the Commission to grant VoiceLog's petitions for partial stay and reconsideration of the *Third Report and Order* and adopt VoiceLog's proposed modification to the drop off rule.

Respectfully submitted,

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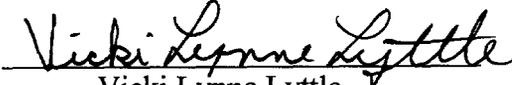
April 3, 2001

CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, do hereby certify that on this 3rd day of April, 2001, copies of the foregoing "Comments of Cox Communications, Inc. In Support Of VoiceLog's Petitions for Partial Stay and For Reconsideration" were served via first-class mail, postage prepaid, on the following:

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