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April 3, 2001

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Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TW-A325
Washington, D.C. 20554

Re: 2000 Biennial Regulatory Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 00-257

Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; CC Docket No. 94-129

Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129

Dear Ms. Salas:

The comments that Teligent, Inc. ("Teligent") initially filed on the comment due date (February 20, 2001) were not entered into the record in the above-referenced proceedings due to clerical errors made by Teligent. This letter repeats what was included in Teligent's incorrectly-filed comments. As this is a permit-but-disclose proceeding, Teligent files this letter as a written *ex parte* communication.

For all of the reasons stated in the Second Notice of Proposed Rulemaking in the above-captioned proceeding, Teligent supports the Federal Communication Commission's ("Commission's") proposal to modify its authorization and verification requirements of the carrier change rules for the purpose of reducing the regulatory burdens associated with the purchase or transfer of customer lines. Teligent applauds the Commission's recognition that while the rules serve the important purpose of protecting consumers and ensuring that they receive service only from their carrier of choice, the strict application of these rules to the purchase or transfer of a customer base by another carrier may inadvertently and unnecessarily hinder such transactions. Teligent believes that a proper balance can and should be achieved between the important goals of consumer protection and carrier flexibility in market transactions.

Specifically, Teligent supports the Commission's proposal that subscribers should be provided at least 30 days' advance notice of an acquisition; however, Teligent believes that this initial notice would more appropriately be provided by the carrier being acquired. Indeed, this is the carrier that has the current relationship with the subscriber. Teligent agrees that such notice should include the following information: (a) the acquiring carrier that will be the new provider of telecommunications service for the subscriber; (b) the rates, terms, and conditions of the services offered by the acquiring carrier (this can be accomplished by reference to the acquiring carrier's tariffs); (c) that no carrier change charges will be imposed as a result of the transaction;

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and (d) that the subscriber has the right to select a different preferred carrier than the acquiring carrier. Teligent also believes that the acquiring carrier should be required to provide a second notice to subscribers after completion of the acquisition, notifying the subscriber that the transaction is complete and that the acquiring carrier is now the subscriber's service provider. Teligent further believes that this notice could be provided in the first bill to the customer by the acquiring carrier. In addition, Teligent agrees with the Commission's proposal that the acquiring carrier be required to provide to the Commission at least 30 days' advance notice of an acquisition and to certify it will comply with all applicable rules.

While Teligent supports a requirement that subscribers be informed that they have the right to make a preferred carrier selection different from the acquiring carrier, the subscriber should be clearly informed that it may incur charges to switch to a different carrier. This requirement should not, however, obligate the notifying carrier, *i.e.* the carrier being acquired, to determine the particular rates, terms, etc., that would apply if the subscriber chose a different preferred carrier, as it is likely that the notifying carrier would not have access to all of this information. To this end, Teligent seeks clarification that the notifying carrier would not be required to inform the subscriber of the charges, rates, terms, and conditions that would be imposed if the subscriber made any other preferred carrier selection.

Furthermore, while Teligent supports the proposal that acquiring carriers be required to provide to affected subscribers a toll-free customer service number in order to address any questions/problems concerning the change in service providers, Teligent believes that this requirement could be met by allowing carriers to provide their standard toll-free customer service number rather than to establish a separate number established to deal with such issues.

Finally, Teligent believes that it is reasonable to require acquiring carriers to handle customer complaints that stem from the original carrier's service if that carrier is no longer a separate entity under Commission jurisdiction. If the original carrier continues to be a separate entity under Commission jurisdiction, it should handle all complaints that stem from service it provided to the subscriber. In the event that the acquiring carrier is responsible for handling the complaint, it should work to resolve the complaint for the customer but should not be subject to Commission fine, forfeiture, or revocation actions for incidents that occurred prior to when the subscriber began taking its service.

If you have any questions about this matter, please do not hesitate to call me directly at (703) 288-5715.

Sincerely,

Edward B. Krachmer
Special Counsel, Regulatory Affairs
and Public Policy

cc: ITS, Sheryl Todd, K. Michele Walters