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April 19, 2001

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Ms. Magalie Roman Salas
Secretary
445 Twelfth Street, SW
Room TW-A325
Washington, DC 20554

**Re: *Petition of US West Communications, Inc., for a Declaratory Ruling
Regarding the Provision of National Directory Assistance, CC Dkt. 97-172***

Dear Ms. Salas,

On April 18, the undersigned and Sid White of BellSouth, met with Michelle Carey, Ann Stevens, and William Kehoe of the Common Carrier Bureau. The purpose of the meeting was to discuss the status of BellSouth's Petition for Limited Reconsideration in the above-referenced proceeding. A copy of the presentation used during the meeting is attached.

This notice is being filed pursuant to Sec. 1.1206(b)(2) of the Commission's rules. If you have any questions concerning this filing, please do not hesitate to contact me.

Sincerely,



Mary L. Henze

Attachment

- cc: M. Carey
- A. Stevens
- W. Kehoe

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BellSouth Seeks FCC Reconsideration
on the Ownership Issue in the US West
NDA Forbearance Order
CC Docket No. 97-172

Ex Parte

April 18, 2001

Purpose

- To discuss BellSouth's pending petition for limited reconsideration of the US West NDA Order in light of current market conditions.

Chronology

- US West Petition for Declaratory Ruling on Provision of NDA – 7/17/1997
- FCC MO&O on US West Petition – 9/27/99
- BellSouth Petition for Forbearance for Nonlocal Directory Assistance Service – 10/8/99
- **BellSouth Petition for Limited Reconsideration on US West Order – 10/27/99**
- FCC Releases MO&O on BellSouth, SBC and BA Forbearance Petitions – 4/11/00

FCC's Order on US West Petition for NDA

- Distinguished between local and non-local DA.
- Found that provision of non-local DA was provision of interLATA service.
- Interpreted 271(g)(4) to mean that RBOCs have to own the storage facilities for non-local DA listings.
- Ruled that forbearance from the separate affiliate requirement for non-local DA is in the public interest.

BellSouth's PFR

- Requested limited reconsideration on the interpretation given to the clause “information storage facilities of such company” in Section 271(g)(4) to require a carrier to “own” the facilities.
- Requested that carriers be able to provide 271(g)(4) service when carrier has property or contractual rights to facilities other than ownership.

Reasons for Reconsideration

- No statutory basis for FCC determination that RBOCs own 100% of storage facilities
 - Legislative history supports leasing facilities.
 - FCC interpretation of similar language in Act supports more flexibility. (e.g., §271 (c)(1)(a))
- Increased provisioning costs

Why Reconsideration is Still Necessary

- Customers are requesting expanded non-local DA listings.
 - Customer convenience
 - Single source DA solution provider
 - Market globalization
- Need more options to provision service efficiently.
 - To respond to competition

Recommendation

- FCC should reconsider its interpretation that §271 (g)(4) requires ownership of information storage facilities.
- FCC should find that 271(g)(4) permits BOCs to provide non-local DA via ownership, shared ownership, leasing, and or contracting w/third parties for access to facilities.