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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUL 26 2001

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
2000 Biennial Regulatory Review --)	
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. <u>94-129</u>
Policies and Rules Concerning)	
Unauthorized Changes of Consumers)	
Long Distance Carriers)	

**Comments of the United States Telecom Association
Regarding Petitions for Reconsideration**

Pursuant to the *Federal Register* notice¹ in which public comments were solicited by the Federal Communications Commission (Commission) regarding petitions for reconsideration filed in the above-captioned matter,² the United States Telecom Association, on behalf of its local exchange carrier members,³ respectfully, files its comments in the above-captioned matter. In that regard, USTA files in support of certain common positions, as advocated separately and independently in the petitions, as

¹ See, 66 *Fed. Reg.* at 36283 (Jul. 11, 2001).

² *In re 2000 Biennial Review -- Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, CC Docket Nos. 00-257 and 94-129, First Report and Order in CC Docket No. 00-257 and Fourth Report and Order in CC Docket No. 94-129, FCC 01-156, rel. May 15, 2001.

³ The United States Telecom Association (USTA), formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks, as well as related products and services. USTA filed comments in the original matter, *see, in re 2000 Biennial Regulatory Review--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, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129*, "The United States Telecom Association's Comments Regarding the Third Further Notice" (Feb. 20, 2001).

filed respectively by Qwest Corporation (Qwest),⁴ SBC Communications Inc. (SBC)⁵ and Verizon.⁶

USTA commends the Commission for streamlining its carrier-change verification procedures in instances where one carrier transfers its subscriber base to another carrier. USTA agrees with Verizon that the new rules will eliminate the burdens imposed by the old regulations, while providing consumers with necessary information.⁷ Moreover, USTA agrees with Qwest, SBC and Verizon and requests that the Commission reconsider the aspect of its decision which imposes certain requirements upon the acquiring carrier that is forced to provide service to customers when the exiting carrier, that had provided local service, vacates the market due to insolvency or other circumstances. In that regard, USTA believes that the filings by Qwest, SBC and Verizon reflect common concerns that will certainly affect incumbent local exchange carriers (ILECs) and warrant reconsideration.

USTA supports: (1) Qwest's viewpoint that it is inappropriate to require an acquiring carrier compelled to take back or assume customers from another carrier to be absolutely responsible for "(a) notifying customers about the decision of the transferring carrier and its consequences; and (b) bearing

⁴ *In re 2000 Biennial Regulatory Review--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, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129, "Petition For Reconsideration of Qwest Corporation" (Jun. 21, 2001)(Qwest Petition).*

⁵ *In re 2000 Biennial Regulatory Review--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, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129, "Petition for Reconsideration of SBC Communications Inc." (Jun. 21, 2001)(SBC Petition).*

⁶ *In re 2000 Biennial Regulatory Review--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, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129, "Verizon's Petition for Limited Reconsideration" (Jun. 21, 2001)(Verizon Petition).*

⁷ Verizon Petition at 1.

(by implication) the costs of notification;"⁸ and (2) SBC's and Verizon's commonly held positions that the acquiring carriers not be required to provide advance written notice to affected subscribers where a state imposes such a responsibility on the exiting carrier.⁹ In the latter instance, USTA agrees that the Commission should defer to the states.

USTA also agrees with the points made by Verizon¹⁰ and also SBC that the Commission should reconsider its stance that effectively precludes the ILEC from being able to recover nonrecurring charges resulting from carrier change charges associated with involuntary transfers of subscribers due to a competitive local exchange carrier's exiting the market due to insolvency or other reasons. As SBC points out, there may be state laws governing switchover charges involving default transfers. Thus, taking this factor into consideration and the possible inequities that may befall ILECs that are forced to cope in such circumstances, USTA urges that the Commission reconsider its decision on this basis.

For the reasons stated above, USTA urges that the Commission reconsider the specific matters USTA addressed in these comments in support of the enumerated petitions for reconsideration.

Respectfully submitted,

By: 
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July 26, 2001

⁸ Qwest Petition at 3.

⁹ SBC Petition at 1; and Verizon Petition at 2.

¹⁰ Verizon Petition at 3-4.

CERTIFICATE OF SERVICE

I, Gail Talmadge, do hereby certify that on July 26, 2001, a copy of *Comments of the United States Telecom Association Regarding Petitions for Reconsideration*, in CC Docket Nos. 00-257 and 94-129, was either hand-delivered or deposited in the U.S. Mail, first-class, postage prepaid, to the persons on the attached service list.


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