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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

In the Matter of

Calling Party Pays Service  
Option in the Commercial Mobile  
Radio Service

)  
)  
)

WT Docket No. 97-207

REPLY OF THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL  
TO OPPOSITIONS TO  
PETITION FOR PARTIAL RECONSIDERATION

Albert H. Kramer  
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Dated: August 6, 2001

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CTIA argues that there is no legal requirement for the Commission to reconsider its decision. CTIA contends the Commission adequately addressed the issue of unauthorized billing of PSPs in a footnote in the *Termination Order* that discusses the protection of PBX owners from unauthorized calls. *Termination Order*, n. 55. As APCC explained in its petition, however, payphones are substantially different from PBXs. PBX owners can control who has access to their telephone lines to originate calls; PSPs cannot. Further, PBX owners normally have a contractual relationship with those using their phones (e.g., employees, hotel guests); payphone owners do not, and therefore have no way of billing callers after the fact for calling-party-pays charges. The Commission's extremely brief footnote discussion of PBXs did not even mention payphones and did not suffice to address the comments of APCC regarding the special vulnerability of payphones to unauthorized charges. Therefore, the Commission must reconsider its handling of this issue.

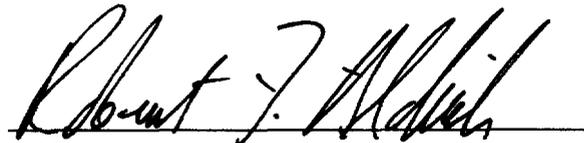
None of the parties offers any substantive reason why the Commission should not adopt a simple rule prohibiting billing of payphone lines for CPP calls. CTIA and RCA merely argue that it is reasonable to let the market (subject to carriers' general duties under Sections 201 and 202 of the Act) to sort out unauthorized billing issues, through carriers' voluntary use of line information data bases ("LIDBs") to prevent unauthorized billing of payphones. However – again as pointed out in APCC's petition, the mere availability of LIDB will not prevent improper billing of PSPs for CPP calls if carriers do not choose to query LIDB prior to completing such calls. Most important, there is no reason to leave it up to carriers whether to bill PSPs for CPP calls. In the case of payphones (unlike PBXs), there will *never* be an occasion when it is appropriate to bill the originating payphone line without the PSP's express consent. Given that no party has advanced any legitimate reason

for billing payphone lines for CPP calls without the PSP's express consent, there is no reason why the Commission should not adopt the simple ban on billing of payphone lines advocated by APCC.

Accordingly, the Commission should reconsider and adopt a rule that (1) CPP charges may not, under any circumstances, be assessed on payphone lines without the PSP's express consent, and (2) the CPP provider is responsible for identifying payphone lines as such.

Dated: August 6, 2001

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert F. Aldrich", written over a horizontal line.

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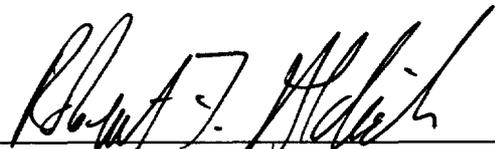
Attorneys for the American Public  
Communications Council

**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2001, a copy of the foregoing Reply of the American Public Communications Council to Oppositions to Petition for Partial Reconsideration was delivered by first-class U.S. Mail, postage pre-paid to the following parties:

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