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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 28, 2001

NOTICE OF EX PARTE PRESENTATION

Ms. Magalie Roman Salas
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Policies and Rules Concerning Unauthorized Changes of Consumers Long
Distance Carriers; CC Docket No. 94-129

Dear Ms. Salas:

On November 27, 2001, the undersigned, Michael Alarcon and Susan Grossklaus (via telephone) of SBC, Mary Henze of BellSouth and Marie Breslin of Verizon met with Michele Walters of the Common Carrier Bureau's Accounting Policy Division and Margaret Egler, Thomas Wyatt and Susan Bowers (via telephone) of the Consumer Information Bureau regarding Preferred Interexchange Carrier (PIC) Dispute Management LEC practices. The attached presentation, which was distributed at the meeting, contains the details of our discussion.

This notice is being filed pursuant to 47 CFR Section 1.1206(b) of the Commission's rules. If you have any questions concerning this filing, please contact me.

Sincerely,

Attachment

- cc: M. Walters
- M. Egler
- T. Wyatt
- S. Bowers
- J. McKee
- D. Shetler

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BellSouth, SBC & Verizon
Joint Response to MCI Ex Parte

PIC Dispute Management

November 27, 2001

Slamming Rules Outline LEC/IXC Procedures

- FCC order requires executing carriers to notify all involved carriers of slamming allegations
- Executing carrier notification provides MCI, and all IXC's, a timely means for initiating contact with customers to discuss slamming allegations
- Rules permit MCI and other IXC's to re-bill customer for disputed charges, including PIC change charge, if investigation finds slamming allegation invalid

Contacting Former Customers & Applying PIC Change Charges are Standard Practices

- Both IXCs and LECs proactively contact former customers
- The carrier contact to former customers may be the customer's first awareness of a switch
- Executing carriers and LECs typically apply PIC change charges to the alleged unauthorized carrier in cases of disputes by the customer

Where MCI's Allegations May Be Flawed

- A higher percentage of LEC intraLATA PIC disputes is logical where the LEC is not yet authorized to provide interLATA services
- MCI's survey framed customer response too narrowly (3 mos.), but customer can allege slam for up to 24 months. MCI misleading survey question -

"In your opinion, in just the past 3 months, MCI switched some of your services without your authorization."
- MCI's and other IXC's marketing practices may also be contributing to customer confusion regarding switching carriers

LEC Practices Are Fair and Reasonable

- It is an accepted practice in the industry to contact former customers after they have switched to another carrier
- It is not LEC policy to discuss competitors' service during any customer contact
- Executing carriers and LECs do not probe, investigate or challenge customer allegations
- The FCC rules allow for charging PIC change charges to alleged unauthorized carriers
- An investigation of slamming allegations cannot occur until after absolution and notification

LEC Position

- PIC disputes should not be subject of any rulemaking
- Commission should reconsider reporting requirements so that competitors are not reporting against each other
- Commission should not limit executing carrier's role to notification and PIC change