

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Petition for Rulemaking to)
Implement Mandatory Minimum)
Customer Account Record Exchange)
Obligations on All Local and)
Interexchange Carriers)

RECEIVED

NOV 22 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING

AT&T CORP.
Mark C. Rosenblum
Lawrence J. Lafaro
Martha Lewis Marcus
Room 3A225
900 Route 202/206 North
Bedminster, NJ 07921
(908) 532-1841

SPRINT CORPORATION
H. Richard Juhnke
Susan E. McNeil
401 9th Street, N.W., Suite 400
Washington, DC 20004
(202) 585-1934

WORLDCOM, INC.
Karen Reidy
1133 19th Street, NW
Washington, DC 20036
(202) 736-6489

November 22, 2002

No. of Copies rec'd 0143
List ASIDE
WCB
02-282

TABLE OF CONTENTS

I.	BACKGROUND	2
II.	THE ADOPTION OF MANDATORY MINIMUM CARE STANDARDS WOULD ENSURE THE EXCHANGE OF ESSENTIAL CUSTOMER DATA BETWEEN CARRIERS	3
	A. Today, The IXCs Lack The Essential <i>CARE</i> Information Required To Provide Seamless Customer Service3
	B. The Commission Should Adopt Mandatory Minimum CARE Standards7
III.	THE COMMISSION HAS AUTHORITY TO MANDATE MINIMUM CARE STANDARDS	10
	A. The Commission Has Ample Authority To Mandate A Uniform CARE Process	10
	B. The Commission May Rely On Industry-Developed Standards To Implement A CARE Process13
IV.	RELIEF REQUESTED	17

RECEIVED

NOV 22 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In *the* Matter of)
)
Petition for Rulemaking to)
Implement Mandatory Minimum)
Customer Account Record Exchange)
Obligations on All Local and)
Interexchange Carriers)

To: The Commission

PETITION FOR RULEMAKING

Pursuant to Section 1.401 of the Commission's Rules, 47 C.F.R. §1.401, AT&T Corp. ("AT&T"), Sprint Corporation ("Sprint") and WorldCom, Inc. ("WorldCom") (collectively, *the* "Petitioners") hereby request that the Commission initiate a rulemaking proceeding to implement mandatory minimum Customer Account Record Exchange ("CARE") obligations on all local and interexchange carriers. Mandatory minimum CARE standards are critical to ensure the exchange of information needed to maintain accurate billing records and deliver quality customer service.

I. BACKGROUND

The CARE process was developed in response to the break-up of the Bell System and the introduction of competitive long distance services.’ CARE was designed to facilitate the exchange of customer account information between local exchange carriers (“LECs”) and interexchange carriers (“IXCs”) or long distance carriers)? The CARE system allowed IXCs to obtain from the incumbent LECs (“ILECs”) the information necessary to establish and maintain customer accounts and to execute and confirm customer orders and customer transfers from one long distance carrier to another.

Because the CARE system **was** developed when ILECs, for the most **part**, could not compete for long distance service and local markets were not open to competition, it functioned reasonably well prior to the Telecommunications Act of 1996 (the “1996 Act”). The ILEC served as the information “hub” that managed the exchange of customer data between the ILEC and various IXCs competing for the provision of long distance services. When a customer elected to change long distance carriers, or otherwise changed his billing name and address

¹ *United States v. AT&T Co.*, 552 F. Supp. 131 (D.D.C. 1982), *aff’d sub nom.*, *Maryland v. United States*, 460 U.S. 1001 (1983).

² To facilitate the equal access and cooperation among telecommunications providers mandated by the Modified Final Judgment (“MFJ”), the industry created the Alliance for Telecommunications Industry Solutions (“ATIS”), originally known as the Exchange Carrier Standards Association. ATIS is a global leader in the development of telecommunications standards and operational guidelines and has 124 member companies, representing nearly every sector of the telecommunications industry. The Carrier Liaison Committee of ATIS in turn created the Ordering and Billing Forum (“OBF”) to establish guidelines for administering the equal access carrier selection process. OBF established voluntary industry standards for CARE among carriers. These standards were developed to facilitate the exchange of customer account information to allow LECs to comply with their obligation to provide all IXCs with access that is equal in type, quality, and price to that provided to AT&T and their affiliates. Prior to the 1996 Act, most LECs and IXCs participated in CARE.

(“BNA”) information, the ILEC would provide CARE data to the appropriate IXC(s) to ensure the seamless provision of service to the customer.

However, with the passage of the 1996 Act, new, competitive LECs (“CLECs”) were created, which attempted to provide local exchange service in competition with the traditional ILECs. The introduction of these new entrants has had the unintended consequence of weakening the exchange of CARE data between LECs and IXCs. In practice, many of the new entrants do not provide CARE data, or do not provide it on a timely basis or with a quality or format upon which IXCs can depend. As a result, there is no effective industry process in place today to support customers’ ability to move seamlessly from one carrier to another, especially when a customer also makes a change to his/her LEC at the same time.

II. THE ADOPTION OF MANDATORY MINIMUM CARE STANDARDS WOULD ENSURE THE EXCHANGE OF ESSENTIAL CUSTOMER DATA BETWEEN CARRIERS.

A. Today, The IXCs Lack The Essential CARE Information Required To Provide Seamless Customer Service.

Unlike the LEC who has immediate access to customer service records for local service, IXCs often do not know who their customers are. Instead, IXCs must depend on the LECs not only to execute customer changes in an unbiased manner, but also to provide timely exchange of customer account information so that the IXC will know both: (i) whether a customer remains on its network, has switched to another local or long distance carrier, has had his dial tone disconnected, or has made significant changes to the account (*e.g.*, changing BNA, telephone number, or responsible party), and (ii) who the customer’s local exchange carrier is for the purpose of submitting or requesting customer information.

For example, if an IXC's customer switches to a new LEC for local service, the current notice that is sent to the customer's IXC – albeit, not universally – by a LEC that does support CARE only explains that the customer has left the LEC for local service; in some cases, it may also identify the customer's new LEC, but it often does not. In addition, under the present system, the notice does not inform the IXC whether the customer retained his former IXC for intraLATA toll or interLATA service or instead subscribed to another carrier when he switched his local service. Adding to this informational problem, even LECs that purport to provide CARE do not do so in a uniform manner across the country. Thus, there is no effective industry process in place to support the customer's ability to move seamlessly from one carrier to another.

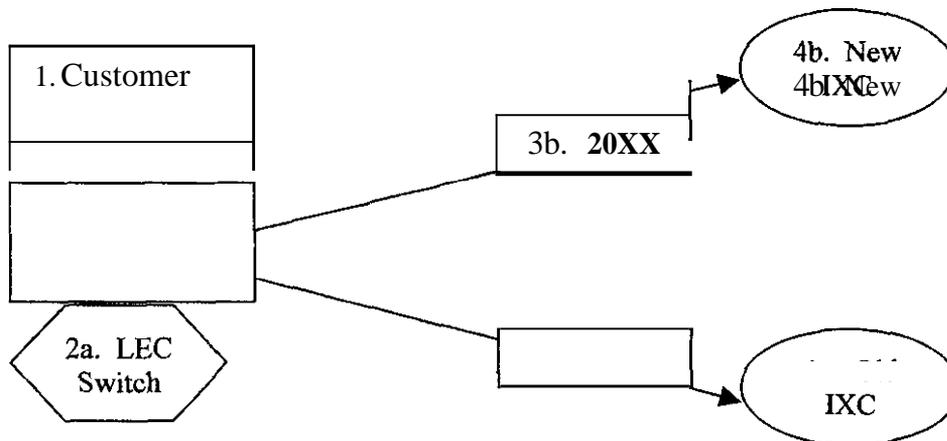
Second, **an** IXC, faced with this information vacuum, confronts a Hobson's choice that **harms** both the customer and the **IXC**. On the one hand, **an** IXC can wait and see if a new LEC provider advises it through the voluntary CARE process that the customer has chosen **to** remain with that IXC for intraLATA toll or interLATA services. During that period, the IXC may continue to bill the customer for monthly recurring charges **as** well **as** non-usage charges even though the customer has, unbeknownst to the IXC, changed his primary long distance carrier. From the customer's perspective, this may result in double billing. Alternatively, the IXC can assume that the customer no longer desires its service and therefore disconnects his calling plans. If this assumption is wrong, the customer, in continuing to use the IXC, finds himself suddenly being billed at higher "basic" rates. Either way, the consumer's choice of carrier for intraLATA toll or interLATA service is compromised, and IXCs may be perceived to be responsible for "continued hilling," "cramming," "slamming," or violations of the Commission's truth-in-billing requirements solely because they never received accurate, timely

and complete information regarding their customer's account.³ These difficulties cause customers to perceive that the IXC's offer poor service when, in fact, the IXC's are at the mercy of a voluntary information exchange system. Indeed, internal studies conducted by Petitioners reflect that approximately 40% to 60% of consumer complaints concerning billing errors may be eliminated if carriers received essential information via a mandatory minimum CARE process.

The lack of mandatory minimum CARE may also result in a customer being placed on an IXC's network without any means by which the IXC can bill the customer. Without any information about the customer's identity, or access to billing and address information, an IXC may be providing service to a customer without being able to collect compensation. This problem results in multi-million dollar losses to the industry each year.

The following example and flow chart help to illustrate how the use of accurate, timely CARE codes support the exchange of critical data by the LEC to the old and/or new IXC's, and explains the difficulties raised by the lack of this exchange. This specific example depicts the exchange of critical customer data when a customer requests a change of his/her choice of primary interexchange carrier ("PIC") and identifies customer impacts when this critical

³ Amanda Noonan, chairperson of the New England Conference of Public Utility Commissioners ("NECPUC") Consumer Affairs Staff Committee presented examples of the various types of unauthorized billing problems that a customer can face as a result of this information vacuum: (i) billing at casual rates by the old carrier for a time after switching carriers; (ii) billing at casual rate by the new carrier for a time after switching; (iii) billing by the underlying carrier of the reseller, rather than by the reseller chosen, (iv) "pop up billing," i.e., monthly, non-usage related fees being billed by old carrier months after consumer switched carriers; and (v) continued billing by the old carrier monthly of non-usage related fees after consumer has switched carriers. Draft 8/16/2000 Report of the Proceedings, "Getting the Customer Out of the Middle", NECPUC Consumer Affairs Workshop on Unauthorized Charges Resulting From Carrier Changes (July 14, 2000). See also, NECPUC Consumer Affairs Staff Committee Final Report, "Getting the Customer Out of the Middle," Examining Problems [in] the Carrier Change Process at 1 (Mar. 19,2002).



Example: A customer places a call to his LEC to request a change in his PIC (Step 1). The customer's LEC processes the PIC change request, updating its records, and provisioning the switch to ensure calls will be carried over the new IXC's network (Steps 2 and 2a). The customer's LEC notifies the affected IXCs of the carrier change activity and the Old IXC receives the CARE code (22XX-loss) indicating the customer has been removed from the carrier's network in the local switch (Step 3a). The New IXC receives the CARE code (20XX-install) indicating the customer has been placed on the carrier's network in the local switch (Step 3b). The customer's records are updated by the Old IXC and the New IXC with the critical customer data received from the LEC (Steps 4a and 4b). All IXCs are fully reliant upon LECs to provide notification of mutual customer activities affecting switch, service, billing and other critical customer account maintenance data. When one (or more) steps in this data exchange between a LEC and an IXC does not occur, the customer is negatively impacted. If the Old IXC is not informed when a customer is removed from their network, the customer may continue to receive billing from the Old IXC for monthly recurring charges and/or other non-usage charges. Similarly, if the New IXC is not informed that a customer has been put on their network at the local switch, the customer may be billed at higher rates or may not receive a bill at all. Additionally, if the New IXC receives network usage and is unable to identify the

⁴ This example is not meant to be exhaustive; in fact, there are many other examples where the lack of mandatory minimum CARE standards may cause the incomplete – or lack – of exchange of critical customer data, which may lead to customer confusion and complaints. Rather, this example is meant to be illustrative of the broader problems caused by the lack of CARE standards.

customer, the New IXC may place a network block on the telephone number thereby removing the customer's ability to place 1+ calls. As a result, the customer may need to place numerous calls to carrier(s) to resolve the confusion in billing errors.

B. The Commission Should Adopt Mandatory Minimum CARE Standards.

In order to mitigate the customer-affecting problems associated with the lack of essential CARE information, Petitioners have identified a subset of CARE information that is particularly critical to the provision of competitive telecommunications service. Petitioners propose that the Commission require all LECs and IXCs to exchange this mandatory minimum CARE data.' 'Under Petitioners' proposal, carriers would be required, in specified situations, to transmit certain codes, each designed to provide specific billing and other essential customer data to involved carriers.⁶

In this proposal, Petitioners have attempted to establish standards that ensure the exchange of critical customer information in a manner that is most beneficial to customers and least burdensome to carriers. For example, in defining the subset of ATIS-developed codes that should be mandatory for all carriers, Petitioners have sought to identify only those codes that are most critical to customer care and the carrier selection process. As a result, the proposed

⁵ The specific proposal is set forth in Appendix A hereto, which contains the proposed Minimum CARE) Standards Document. **An** earlier, less detailed, version of this proposal was submitted to the Commission on September 18, 2002, in *In re Notice of Inquiry Concerning a Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers*, CC Docket No. 02-39 (rel. Feb. 28.2002).

⁶ The Texas Public Utility Commission imposed a rule similar to this proposal relating to carrier notification issues arising from changes in preferred telecommunication carriers. See 16 Texas Administrative Code §26.130(m), *Selection of Telecommunications Utilities* (October 21, 2002).

minimum codes reflect less than five percent (5%) of the total CARE codes developed by ATIS⁷ (see Appendix A at Section 4). In similar fashion, Petitioners also have attempted to minimize start-up costs for all carriers that are not already providing CARE data, by providing for transmission of required data in a variety of ways, including paper (facsimile transmission, U.S. and/or overnight mail), e-mail, cartridge, Internet processing, mechanized processing or real-time processing. (See Appendix A at Section 2, “Cost Considerations” and Section 3, “Processing Considerations.”) In addition, the proposed minimum CARE standards provides the flexibility for carriers to utilize alternate codes for certain transactions, minimizing potential development costs for carriers that are not already providing all of the CARE codes. (See Appendix A at Section 4.)

To maximize the benefits of mandatory minimum CARE standards, the Commission should also adopt reasonable performance measurement expectations. Timeliness, accuracy and completeness thresholds are essential to ensure that customer requests are processed without undue delay. Petitioners have attempted to develop proposed performance criteria that are flexible enough to recognize that information may be transmitted through a variety of means, while providing enough guidance to ensure the seamless transmission of data. Petitioners respectfully refer the Commission to Appendix A at Section 3, which sets forth the specific performance measurement recommendations. Petitioners recommend that carriers be required to implement CARE as soon as reasonably possible.

⁷ Petitioners do not intend that the proposed mandatory minimum standard would replace the more expansive guidelines that exist today. Industry participants should continue to work with the OBF industry forum to develop and utilize established guidelines appropriate for particular needs.

Timeliness: Standards relating to the timely transmission of data should acknowledge the variety of means by which such data may be transmitted and the service configuration of the LEC. While real time and mechanized processing may allow for very rapid exchange of data, other acceptable methods, such as e-mail or Internet processing or cartridge or paper processing, may require additional time. Similarly, while facilities-based carriers may have more immediate access to customer information, CLECs that provide service via resale or unbundled switching may lack the same control over access to such information and it may be appropriate to allow some additional, modest processing time. The proposed criteria are designed to provide maximum flexibility, while ensuring timely transmission of critical customer data. (See Appendix A at Section 3.)

Accuracy: Carriers should exercise “best efforts” to ensure that the data transmitted is accurate, including appropriate quality control measures. When accuracy expectations are not achieved due to incomplete or inaccurate transmission of CARE data, carriers should implement immediate recovery processes. (See Appendix A at Section 3.)

Completeness: To ensure that carriers have access to the data necessary to establish or disconnect a customer account, they must receive complete customer data. The guidelines set forth in the OBF CARE Industry Support Interface document serve as a useful point of reference to ensure the completeness of CARE data. Should a carrier discover that incomplete data has been transmitted, however, immediate recovery processes should be implemented. (See Appendix A at Section 3.)

Telephone customers today are adversely affected because CARE data is not being exchanged in a uniform manner by all LECs. Petitioners’ proposal would help mitigate a host of billing and other customer problems that are caused by the lack of essential information.

Moreover, Petitioners have crafted their proposal in a manner designed to produce the most benefits to consumers with the least burden to carriers. Petitioners respectfully request that the Commission promptly initiate a rulemaking proceeding to address the proposed mandatory minimum CARE standards.

III. THE COMMISSION HAS AUTHORITY TO MANDATE MINIMUM CARE STANDARDS.

A. The Commission Has Ample Authority to Mandate a Uniform CARE Process.

, *All* local exchange carriers have an obligation to ensure subscribers have a choice of presubscribed long distance service providers.’ **An** essential aspect of the LECs’ obligations is providing consumers the ability to presubscribe to their chosen IXC and giving IXCs essential information regarding the customers whose traffic is placed on or removed from their networks. Interexchange carriers are dependent on the customer’s local exchange carrier to place the customer on their network and to obtain critical customer information in order to know who is accessing their networks. Provision of timely and accurate mandatory minimum CARE by all local exchange providers to all interexchange carriers is critical to the competitiveness of the local and long distance market.

Additionally, the Commission **has** authority to establish verification procedures with regard to the submission and execution of a change in a subscriber’s preferred provider under Section 258 of the 1996 Act.’ The Commission’s current rules demonstrate that this authority is not limited merely to establishing the precise mechanisms for verifying authorization

⁸ 47 U.S.C. § 251(b).

⁹ 47 U.S.C. § 258(a).

of carrier changes. As the Commission has determined, it has authority to adopt rules that “will improve the carrier change process for consumers and carriers alike.”” The Commission’s authority to adopt regulations that implement the requirements of Section 258 extends “to all telecommunications carriers in connection with changes to all telecommunications service, including local exchange service.””

Regulations mandating timely and accurate CARE procedures unquestionably would enhance the verification procedure process prescribed by Section 258. Indeed, the Commission’s current verification rules already contemplate an executing carrier’s responsibility to accept and process the carrier change orders of a submitting carrier, one of the functions of the minimum CARE proposal.¹² In fact, a LEC’s refusal to establish a process to receive carrier change orders from submitting carriers is a *de facto* preferred carrier freeze, since it prevents a change in the subscriber’s preferred carrier selection until the subscriber requests the change directly with the executing carrier. The Commission has determined that, since preferred carrier freezes frustrate subscribers and submitting carriers’ attempts to process a carrier change, they “create the potential for unreasonable and anticompetitive behavior that might affect negatively

¹⁰ *Implementation of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumer Long Distance Carriers*, CC Docket No. 94-129, Third Report & Order & Second Order on Reconsideration, 15 FCC Rcd. 15,997, ¶ 1 (2000) (“*Third Report & Order*”).

¹¹ *Implementation of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumer Long Distance Carriers*, CC Docket No. 94-129, Second Report & Order & Further Notice of Proposed Rulemaking, 14 FCC Rcd. 1508, ¶ 6 (1998) (“*Second Report & Order*”).

¹² “For an executing carrier, compliance with the procedures described in this part shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.” 47 C.F.R. § 64.1120(a)(2).

efforts to foster competition in all markets.”¹³ Consequently, the Commission’s rules require the consumer’s authorization and verification for the placement of freezes on carrier accounts.¹⁴

The Commission’s liability rules also acknowledge its authority to adopt necessary notification requirements with regard to carrier changes. In its *First Order on Reconsideration* and implementing rules, the Commission adopted notification rules to facilitate the administration of slamming complaints.” Specifically, the Commission requires an executing carrier who is informed of a slam by the subscriber immediately to provide notification of the incident to both the authorized and unauthorized carrier.¹⁶ As a result of this FCC mandate, OBF assumed responsibility for developing special CARE codes to facilitate the transmission of this information. Similarly, the Commission should mandate minimum CARE codes as a means to prevent unauthorized conversions and assist in the administration and adjudication of complaints. A properly administered CARE process provides a complete account of the carrier change process. It documents the entire incident, thereby providing evidence necessary for determining carrier responsibility for an unauthorized conversion.

Finally, Section 201(b) confers the Commission with broad authority in implementing the provisions of the 1996 Act and promoting the public interest. Section 201(b) states that the Commission “may prescribe such rules and regulations as may be necessary in the

¹³ *Second Report & Order, supra*, at ¶113.

¹⁴ 47 C.F.R. § 64.1190(d)(2).

¹⁵ *Implementaioon of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumer Long Distance Carriers*, CC Docket No. 94-129, FCC 00-135, ¶ 35 (rel. May 3,2000) (“*First Order on Reconsideration*”).

¹⁶ 47 C.F.R. § 64.1150(a). The Commission relies upon the industry’s OBF to satisfy this mandate. *See First Order on Reconsideration*, ¶ 35 n. 97.

public interest to carry out the provisions of this Act.”” This includes rules implementing the Section 201(b) prohibition against unjust and unreasonable practices and the section 202(a) prohibition against unjust and unreasonable discrimination by *any* common carrier. It is clearly an unjust, unreasonable and discriminatory practice for a LEC to fail to provide IXCs information that is vital to the IXCs’ business operations and customer service.

Simply put, the Commission has ample authority and reason to mandate minimum CARE obligations upon all local and interexchange carriers.

B. The Commission May Rely on Industry-Developed Standards to Implement a CARE Process.

The Commission has, in other contexts, recognized the value of adopting industry-developed standards to implement important policy objectives. To address changes in the competitive telecommunications landscape, for example, the Commission elected to adopt industry standards in its Advanced Services and Fixed Microwave proceedings, as described below.” Similarly, to address consumer-oriented mandates in its public safety and environmental protection proceedings, the Commission looked to industry for guidance on

¹⁷ 47 U.S.C. § 201(b).

¹⁸ See *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, First Report and Order and FNPRM, 14 FCC Rcd. 4761 (1999) (“*Advanced Services First Report and Order*”); *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd. 20912 (1999) (“*Advanced Services Third Report and Order*”); *Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services*, Report and Order, 11 FCC Rcd. 13449 (1996) (“*Fixed Microwave Report and Order*”).

technical standards that it ultimately adopted.” The Commission should do so here, and adopt a modest subset of the standard CARE codes developed by ATIS. A standardized process for exchanging PIC selection, billing and other customer information will reduce costs, maximize efficiencies, and alleviate customer confusion.

In its *Advanced Services* proceeding, the Commission concluded that uniform standards were critical to ensuring the quality and reliability of the telecommunications network, and to facilitate the deployment of advanced services? The Commission delegated primary responsibility for developing technical standards to T1E1.4, an ATIS-based working group, charged with creating network interconnection and interoperability standards, with oversight from the National Reliability and Interoperability Council? To promote regulatory parity for all fixed microwave users and to improve service reliability, the Commission similarly looked to industry for guidance in allowing the use of Automatic Transmitter Power Control (“ATPC”) standards for common carrier and private fixed microwave users.²² The Commission also adopted uniform frequency coordination standards developed by the Telecommunications

¹⁹ See *Communications Assistance for Law Enforcement Act*, Third Report and Order, 14 FCC Rcd. 16794 (1999) (“CALEA Third Report and Order”); *Responsibility of the Federal Communications Commission to Consider Biological Effects of Radiofrequency Radiation when Authorizing the Use of Radiofrequency Devices; Potential Effects of a Reduction in the Allowable Level of Radiofrequency Radiation on FCC Authorized Communications Services and Equipment*, 100 FCC 2d 543 (1985) and *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, 11 FCC Rcd. 15123 (1996).

²⁰ *Advanced Services Third Report and Order*, 14 FCC Rcd. at ¶ 180.

²¹ *Advanced Services Third Report and Order*, 14 FCC Rcd. at ¶¶ 184-87; *id.* ¶ 186 (noting that T1E1.4 has the “expertise and experience to develop spectrum compatibility standards”).

²² *Fixed Microwave Report and Order*, 11 FCC Rcd. at ¶ 52 (authorizing transmitter power levels specified in Section 4.3 of TSB Bulletin 10-F to improve service reliability).

Industry Association (“TIA”)²³ for all fixed microwave users.²⁴ In both proceedings, the Commission applied industry-developed standards to all service providers, to improve reliability and efficiency in the provision of telecommunications services. The implementation of mandatory minimum CARE standards would afford similar benefits, by ensuring that all carriers provide the information needed to allow for the efficient, reliable and cost-effective billing and exchange of customer data.

The Commission has also looked to industry standards to meet important consumer-oriented mandates. In its proceeding to implement Congress’ wiretapping statute, the Commission relied on standards developed by TIA to ensure that law enforcement personnel could continue to conduct surveillance activities as telecommunications providers upgraded their facilities to digital networks.” While not specifically requiring that individual carriers comply with the industry-developed standard, the Commission adopted it as a “safe harbor,” to allow carriers to be assured of compliance with the statutory requirements.²⁶ A single industry standard was thought to facilitate cost efficiencies in the implementation of wiretapping capabilities. In its ongoing efforts to implement the environmental safety requirements of the

²³ TIA is accredited by the American National Standards Institute (“ANSI”) to develop standards for a wide variety of telecommunications products. TIA has several hundred member companies reflecting all segments of the telecommunications marketplace.

²⁴ *Id.* at ¶ 65 (noting that “[c]ommon procedures and standards will simplify the rules and lead to economies of scale in microwave equipment and thus lower equipment costs.”)

²⁵ See *CALEA Third Report and Order*, 14 FCC Rcd. 16794; see also *Communications Assistance for Law Enforcement Act*, Further Notice of Proposed Rulemaking (“*CALEA Further Notice of Proposed Rulemaking*”), 13 FCC Rcd. 22632, ¶ 7 (noting that “the Act envisions that an industry association or a standards setting organization would set applicable standards.”); see also 47 U.S.C. § 1006(a)(2).

²⁶ *CALEA Further Notice of Proposed Rulemaking*, 13 FCC Rcd. at ¶¶ 7, 34 (stating that “industry is in the best position to determine how to implement these technical requirements most effectively and efficiently”).

National Environmental Protection Act, the Commission similarly relied on industry-developed standards for guidance and implemented **ANSI** standards to minimize consumer exposure to dangerous radio frequency radiation emissions?’ Consistent with the Commission’s decision to rely on industry-developed standards in the context of public safety and environmental protection proceedings, consumers would greatly benefit by the adoption of mandatory minimum CARE standards. Uniform CARE standards would ensure that service providers would have access to timely and accurate customer and billing information. Access to such information will minimize consumer complaints by ensuring that information will be exchanged in an efficient manner.

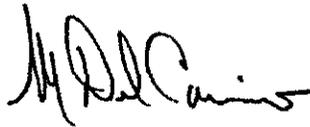
²⁷ 100 FCC 2d **543** at ¶ 26 (noting that the ANSI standard is widely accepted and was technically and scientifically supportable); *see also* 11 FCC Rcd. 15123, ¶ 31 (amending rules to reflect changes to the **ANSI** standard in **1992** for higher frequency bands).

IV. RELIEF REQUESTED

For the reasons set forth above, Petitioners urge the Commission, **as soon as** is practicable, to place this petition on public notice pursuant to Section 1.403 of the Commission's Rules, 47 C.F.R. § 1.403 and initiate a rulemaking proceeding to establish mandatory minimum CARE standards. Mandatory minimum CARE standards are critical to ensure the exchange of information needed to maintain accurate billing records and deliver quality customer service.

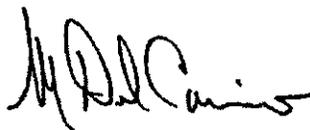
Respectfully submitted,

AT&T CORP.



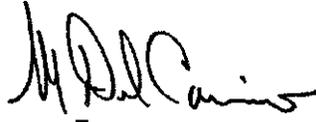
By: _____ for
Mark C. Rosenblum
Lawrence J. Lafaro
Martha Lewis Marcus
900 Route 202/206 North
Room 3A225
Bedminster, NJ 07921
(908) 532-1841

SPRINT CORPORATION



By: _____ for
H. Richard Juhnke
Susan E. McNeil
401 9th Street, N.W., Suite 400
Washington, DC 20004
(202) 585-1934

WORLDCOM, INC.



By: _____ for

Karen Reidy
1133 19th Street, NW
Washington, DC 20036
(202) 736-6489

November 22, 2002