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Federal Communications Commission
Office of Secretary

Before the

Federal Communications Commission

Washington, D C 20554

02-386

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Arnericatel Petition for Declaratory Ruling	)))
Obligations of All Local Exchange Carriers to Provide Timely and Accurate Billing Name and Address Service to lnterexchange Carriers	))))

AMERICATEL PETITION FOR DECLARATORY RULING

AMERICATEL CORPORATION

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Dated September 5, 2002

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AMERICATEL PETITION FOR DECLARATORY RULING

Americatel Corporation ("Americatel"),[1] through counsel and pursuant to Section 1.2 of the rules[2] of the Federal Communications Commission ("FCC" or "Commission"), hereby petitions the Commission to enter a declaratory ruling. (1) clarifying that the obligation of all local exchange carriers ("LECs") to provide billing name and address ("BNA") service subject to existing safeguards[3] applies *to* competitive LECs ("CLECs") as well as to incumbents, (2) all LECs have an obligation to supply the appropriate presubscribed long distance carrier with the identity of the new serving carrier whenever one of the LEC's customers changes local service providers; and (3) any LEC that no longer serves a particular end user customer has an

[1] Americatel. a Delaware corporation that is a subsidiary of ENTEL Chile, is a common carrier providing domestic and international telecommunications services. Americatel also operates as an Internet Service Provider ("ISP"). Americatel specializes in serving Hispanic communities throughout the United States; offering presubscribed (1+), dial-around. and prepaid long distance services. as well as private line and other high-speed services to its business customers

[2] 47 C.F.R. §1.2

[3] *Id.*, at §64.1201

obligation, upon the request of a long distance carrier, to indicate which other LEC is now providing service to such end user customer.[4]

I. INTRODUCTION AND SUMMARY

Arnericatel generally uses LECs to bill end user customers for Americatel's services. LECs perform this service by associating long distance call records for a specific customer's Automatic Number Identification ("ANI") record (*i.e.*, the telephone number of a party originating a call) with the matching BNA information When this association will not or cannot be made because the LEC no longer provides local service for a particular end user customer, no long distance bill can be generated by that LEC, and the customer essentially receives its long distance services for free.

Recently, due to the increasing number of customers changing local service providers, Americatel has experienced a significant increase in long distance calls that cannot be billed Americatel believes that many other long distance carriers are experiencing similar increases in unbillable calls. The industry appears to be working on a database solution to exchange data when end user customers change carriers and some state public utilities commissions ("PUCs") are developing regulations to require LECs to provide notice to long distance carriers when there has been a change in local service providers However, despite these helpful steps, carrier losses from unbillable calls continue to mount.

Therefore. Americatel seeks a declaratory ruling as set forth above Americatel demonstrates that the factors that caused the FCC to require that all incumbent LECs provide BNA service apply equally to CLECs Also, it is clear that, in a local service market with

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[4] In the alternative. should the Commission deem that this matter would be better addrcsscd through a rulemaking proceeding. Americatel requests that this petition bc treated as a petition for rulemaking pursuant to Section I 401 of the FCC's Rules 47 C F R §I 401

customer churn, all LECs must provide appropriate notice to long distance carriers when end user customers change their local service provider in order for BNA services to work as intended. Finally, Americatel explains that a failure of the Commission to provide relief as requested herein is likely to harm the availability of dial-around services, adversely impact competition and could even have negative financial consequences for the already beleaguered Universal Service Fund.

II. BACKGROUND FACTS

As noted above, Americatel provides international, interstate, and intrastate long distance services, primarily to the diverse Hispanic communities within the United States Americatel's long distance revenues for 2000 were more than $187 million [5] Ainericatel provides presubscribed (1+), dial-around (1010123), and prepaid card services to its many customers. The largest proportion of Americatel's long distance revenues come from its dial-around customers.

In most instances, to bill its customers for 1+ and dial-around long distance, Americatel relies on billing services from its customers' LECs. In a typical LEC billing arrangement, Americatel sends customer call records to that customer's LEC (normally through a third-party billing clearinghouse). and that LEC then utilizes its own customer records to associate a specific end user customer's ANI listing (*i.e.*, the telephone number of a party originating a call) with the customer's BNA information.[6] That information is used by the LEC to prepare and deliver a bill for Americatel's long distance services Ainericatel pays fees to the

[5] STATISTICS OF COMMUNICATIONS COMMON CARRIERS 2000/2001 EDITION, Table 1 2

[6] Alternatively, a long distance carrier is entitled to purchase BNA information directly from a LEC and then can perform its own association of such information with the customer's ANI. *See* 47 C.F R §64.1201(c)(1).

LECs for these billing services It is important to note, however, that in the event that an end user customer's *ANI* cannot be associated with a billing name and address, a carrier cannot bill for any calls connected with the ANI listing

Recently, Americatel has experienced a significant increase in its unbillable calls because of its billing agents' inability to associate ANI with the appropriate billing name and address information. Americatel believes that the inability to make this required association stems from a growing number of customers changing their local exchange carrier. Assume, for example, that Customer **A** receives local telephone service in Miami from BellSouth Telecommunications, Inc. ("BellSouth") and also subscribes to long distance service from Americatel. Further assume that Customer **A** changes her or his local telephone service to AT&T without notifying Americatel. Americatel would likely continue to transmit Customer **A's** billable calling records to BellSouth for invoicing. However, in this instance. BellSouth would not have any up-to-date BNA information for Customer **A** (since BellSouth no longer provides local service). BellSouth would likely return the calling records marked "Return Code 50' or "RC50." In this instance, because Customer **A's** ANI and BNA data cannot be associated, Arnericatel cannot invoice Customer **A** for the calls he or she made over Americatel's network. Customer **A** effectively gains free long dinance calls unless and until Americatel can make contact with Customer **A** and Customer A informs Aniericatel of the identity of his or her new LEC. The situation with respect to dial-around calls is even more critical because Aniericatel has no way of identifying its customers without the assistance of the LECs

As local competition continues to increase,[7] Americatel has been receiving more and more "RC50" billing records From 1999 to 2001. the dollar amount of Americatel's unbillable calls increased by approximately 300% and constituted six percent of Americatel's long distance revenues for the year 2001. Further, Americatel is not alone in facing this unfair and unnecessary erosion of its revenues Most long distance carriers have also experienced significant increases in unbillable calls because of the inability to obtain accurate and timely billing information about customers who change local service carriers.[8]

The telecommunications industry has been laboring to develop technical solutions to this problem. The Ordering and Billing Forum ("OBF"), a pan of the Alliance for Telecommunications Industry Solutions ("ATIS"), has been attempting *to* develop a database solution for the exchange of customer billing information among multiple carriers in those cases where the customer has changed one or more of its carriers. Information about the OBF's work in this area can be found on its Internet web site.[9]

Also, several state public utilities commissions ("PUCs") have begun proceedings to address these problems. The most recent state effort appears to be that of the Texas PUC On

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[7] The FCC recently released a report on the status of local competition during the last half of 2001. *Federal Communications Commission Releases Data on Local Telephone Competition*, Public Notice (rel. July 23. 2002). That report indicates that "[t]otal CLEC switched access lines increased by 14% during the last half of 2001, from 17.3 million to 19.7 million lines." *Id.*

[8] *See* Chris Garifo, "Revenue Recovery: Bill Clearinghouses. OBF Tackle Return Code 50," http://www.xchangemag.com/articles/192finance.html (September 19. 2001) (visited July 24. 2002). Indeed. if this "loophole" were to become well-known within segments of the market, customers could easily switch local service providers as a scheme to gain free long distance services. especially as many CLECs offer new customers one or two months free or reduced rates service as an incentive to change LECs The Commission cannot allow its rules to become a facilitator of scams to defraud carriers and. indirectly, their bill-paying customers.

[9] http://www.atis.org

July 11, 2002, the Texas PUC initiated a rulemaking proceeding (Project No. 26131) to consider the adoption of new rules that would require all carriers to exchange information about a customer who has changed his or her local and/or presubscribed long disrance carrier.[10] The proposed rule would require a customer's existing preferred local exchange carrier ("PLEC") (which would include both ILECs and CLECs), within five days of a customer's selection of a new local exchange carrier, to notify the customer's existing preferred interexchange carrier ("PIC") that the old PLEC will no lonyer be providing local service.[11] Also, within five days of the customer's selection of a new PLEC, such PLEC will be required to notify the customer's existing PIC that the new PLEC would be providing local service to the customer At first blush, the proposed Texas rule would seem to provide long distance carriers providing presubscribed services sufficient information to ensure that they can bill their customers for services provided.

However, even the Texas rule, if adopted, would fail to protect long distance carriers from being required to forego billing for services provided to customers who change local service providers in at least two situations. Carriers that provide dial-around service to customers would not be informed of the change in PLECs under the proposed Texas rule Moreover, since the proposed rule does not address the obligation for CLECs, as well as ILECs to provide BNA service, the proposed Texas rules simply cannot address the many problems faced by all long distance carriers because some CLECs do not provide BNA service at all

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10 *PUC Rulemaking Proceeding to Address Notification Issues Arising from Changes in Preferred Telecommunications Utilities*, Proposal for Publication of Amendment to §26.130 as Approved at the July 11, 2002 Open Meeting, Project No. 26131 (Texas PUC, July 11, 2002) ("*Project 26131 Notice*").

11 *Id*. at 6-7. proposed new rule $26 130(m)(4)(C) and (5)(C)

III. DISCUSSION

A. *The Obligation of all LECs lo Provide BNA Service Should Extend to CLECs as Well as ILECs*

The FCC has, for several years, recognized the importance of BNA information to long distance carriers. For example, in its ***BNA First Report***, the Commission determined that "(1) . all LECs [must] provide non-discriminatory access to LEC joint use card[12] validation data and to LEC screening data, and (2) that any LEC entering into a card honoring agreement with one interexchange carrier (IXC) must stand ready to enter such an agreemeiit with all requesting IXCs."[13]

Later, the Cornmission decided to regulate BNA service as a Title II (common carrier) service, rather than simply as a Title I (ancillary) service.[14] In reaching this determination, the FCC stated: "In the instant case, the record reveals that only the LECs can provide **BNA** in accurate, up-to-date form BNA is generated exclusively by LECs as a byproduct of their provision of exchange access service. and only LECs have the capacity ***to*** keep this information current."[15] Indeed, the Commission concluded that: "Based on these factors, we conclude we cannot rely on competition to ensure that IXCs have access to reliable.

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[12] **A** joint use card is a LEC-issued calling card that can bc used by a customer to place long distance calls (on a post-paid basis) with cithcr the customer's LEC within the LEC's service territory or with a long distance carrier outside the issuing LEC's service territory. *See., e.g., **Cincinnati** Bell Telephone Company Tariff F.C.C. No. 35*. Memorandum Opinion and Ordcr. 6 FCC Rcd 3501 (1991)

[13] *Policies and Rules **Concerning Local Exchange Carrier** Validation **and** Billing **Information** for **Joint** Use Calling Cards*. Rcpon and Ordcr and Further Request for Supplemental Comment. 7 FCC Rcd 352. at ¶1 (1992) ("*BNA First Report*").

[14] *Policies and Rules Concerning Local Exchange Carrier **Validation and** Billing Information for **Joint** Use Calling Cards*. Second Report and Order. 8 FCC Rcd 4478 (1993) ("*BNA Second Report*")

[15] *Id.*. **at** ¶16 (footnote omitted)

current BNA, and we cannot be confident that all LECs will provide BNA at reasonable rates and in a nondiscriminatory basis unless BNA is regulated as a Title 11 service. Accordingly. we conclude that LECs should be required to tariff BNA information to interstate communications service providers."[16] Additionally, the Commission has authorized the use of BNA information for billing and collecting amounts due for dial-around calls.[17]

Therefore, Americatel respectfully requests that the Commission clarify that CLECs, as well as ILECs, are obliged to provide **BNA** service CLECs can clearly provide the service since some CLECs, such as Allegiance Telecom, Inc ("Allegiance") already offer BNA service through their interstate access service tariff.[18] While the Commission has permitted CLECs to offer interexchange access services without tariffs, it retained Title II jurisdiction over those carriers and their services.[19] For example, the FCC stated that "if access providers' service offerings violate Section 201 or Section 202 of the Communications Act, we can address any issue of unlawful rates through the exercise of our authority to investigate and adjudicate complaints under Section 208"[20]

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16 *Id* (footnote omitted) Since the CLECs may offer exchange access services by either tariff or contract. it would be appropriate for them to offer **BNA** service through either mechanism

17 *Policies and Rules Concerning Local Exchange **Carrier** Validation and Hilling Information/Or Joint Use Calling Cards*, Third Order on Reconsideration. 11 FCC Rcd 6835. at ¶41 (1996).

18 *See* Allegiance Tariff F.C.C.No 2. §5 3 This tariff is available on Allegiance's Internet web site at http://www.allegiancetele com/pdf/fccacc pdf There simply are no good reasons why all CLECs cannot also provide this necessary service on either a tariff or contractual basis

19 *Hypernion Telecommunications. Inc. Petition Requesting Forbearance.* Memorandum Opinion and Order and Notice of Proposed Rulemaking, 12 FCC Rcd 8596 (1997).

20 *Id.*, at ¶24 (footnote omitted)

Americatel submits that the findings made earlier with respect to ILECs' provision of **BNA** service are equally applicable today with respect to CLECs. To the extent that one of Americatel's customers who is also served by a CLEC places long distance calls over Arnericatel's network, either on a 1+ or dial-around basis, only the serving CLEC has accurate and up-to-date BNA information regarding this customer. Moreover, a serving CLEC is able to generate this information solely as a byproduct of its provision of local service to the end user customer. It is important to note that. while CLECs do not generally have the same degree of market power as ILECs, a CLEC has a *de facto* monopoly over service to specific end user customers. The Commission recognized CLEC market power over the provision of terminating access service when the FCC established bench-mark. price ceilings for interstate. terminating access charges.[21] Therefore, there is Commission precedent for imposing regulation on CLECs to the limited degree necessary to check their market power over individual consumers The FCC should exercise its regulatory power to clarify or require that all CLECs must provide BNA services

B. The Advent of Local Competition Requires That Presubscribed Long Distance Carriers be Notified Within five Business Days Whenever One of Their Presubscribed Customers Changes Its Local Service Frovider

When the FCC adopted its **BNA** rules and policies, there was little, if any, local competition. That situation no longer exists. There are, according to the latest report by the Commission, 19.7 million access lines served by CLECs in the United States.[22] Additionally. the ILECs have not sat by idly forfeiting customers to CLECs Rather, most ILECs have

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[21] *Access Charge Reform* and *Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, Seventh Report and Order and Further Notice of Proposed Rulemaking. 16 FCC Rcd 9923 (2001).

[22] *See* n 7, *supra*.

mounted aggressive win-back campaigns. For example. one of SBC Communications' ("SBC") subsidiaries, Ameritech, employed the Aspen Marketing Group ("Aspen") to develop a win-back marketing plan for those Ameritech customers who switched to CLECs. Aspen described its campaign as follows.

> Aspen developed a direct mail program aimed at customers who "switched" away from Ameritech in the last 30 days offering customers free re-connect as well as one month of free Internet access via Ameritech.net as an incentive to reinstate their phone service with Ameritech. The offering highlighted the fact that many customers were returning to Ameritech, creating a sense of urgency and compounding effect. Aspen also sent follow-up letters to non-responders offering a free 60-minute prepaid phone card if they re-connected [23]

Aspen reported that this campaign resulted in an eleven percent win-back rate and that SBC implemented the program in its other ILEC subsidiaries [24]

Accordingly, the current local exchange inarket conditions include significant levels of customer churn. In markets with significant customer churn, long distance carriers need notification of all changes in local service for end user customers for **BNA** to be useful. It does a long distance carrier no good whatsoever to learn only that an end user customer has apparently changed local service providers and if it cannot also learn the identity of the new local service provider when the long distance carrier receives an "RC50" notice from a LEC The RC50 notice effectively translates into unbillable calls and uncompensated service

As discussed above, the Texas PUC has recognized this major problem and has proposed new rules that would require LECs to provide notice to presubscribed long distance carriers whenever a customer changes local service providers. Americatel submits that in an

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23 http://www.aspen-marketing.com/interactive/casestudy.asp?cur=0 (visited July 25, 2002).

24 *Id.*

increasingly competitive local market, similar notice to long distance carriers is necessary throughout the United States and, therefore. urges the FCC to declare that all LECs, including CLECs, have a similar duty. This notification should occur within a reasonable period of time, such within as five business days from the date that the customer's local telephone number has been ported to another carrier.[25]

C. *Any LEC That No longer Serves a Particular End User Customer Should Have an Obligation, Upon the Request of a Long Distance Carrier, to Indicate Which Other LEC Is Now Providing Service to That Customer*

As Americatel has already explained, long distance carriers are totally dependent upon LECs for the information that is necessary to identify and bill dial-around customers Therefore, all LECs, including CLECs, that no longer serve a particular end user customer should be required, upon the request of a long distance carrier, to indicate which other carrier is providing local service to that customer[26] For example, assume that BellSouth provides local service to 305-555-4567 in Miami and that such line is presubcribed to AT&T. Further assume that this line is used to place dial-around calls using Americatel's network. In this example, Americatel would send its long distance call records for 305-555-4567 to BellSouth. which would, for a fee, invoice, bill and collect for the calls, using its customer records system to associate ANI with the appropriate customer's billing name and address

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25 The Texas PUC has proposed a similar five-business-day period for notification of affected carriers. *See*, *Project 26/31 Notice*.

26 This type of information would not likely constitute Customer Proprietary Network Information ("CPNI") since it merely associates a customer's name. address and telephone number similar to a listing in a telephone directory **As** such. this information would constitute Subscriber List Information, which is not considered CPNI. *See* 47 U.S C. §222(h). However. even if this combination of information were CPNI, a carrier *is* free to disclose such information without customer consent; in order to protect other carriers from fraudulent use of or subscription to telecommunications services. *Id.*, at §222(d)(2).

However, if one were to assume that, unbeknownst to Americatel, the subscriber to 305-555-4567 switched local service providers to ABC Telecom Florida, a CLEC operating in Miami, and that such subscriber continued to make dial-around calls over Americatel's network BellSouth would no longer be able to invoice, bill and collect for the calls even though Americatel would continue to send call records to BellSouth. Rather, BellSouth would likely send Americatel an RC50 notice In this instance, Americatel should be able to contact BellSouth and be informed that BellSouth recently completed an order to port 305-555-4567 to ABC Telecom Florida. Armed with this new fact, Americatel could then simply contact ABC Telecom Florida to arrange for that carrier to invoice, bill and collect for the calls or, at a bare minimum, Americatel could purchase BNA service from ABC Telecom Florida

This proposal would not place an undue burden on BellSouth. That carrier would certainly have a business record that it had recently ported 305-555-4567 to ABC Telecom Florida. Moreover, since BellSouth previously billed calls for Americatel, in this example, BellSouth would be required by Section 42.6 of the Commission's rules,[27] to retain certain billing information about those calls for a period of at least 18 months. This rule applies to all carriers without exception and requires them to retain "the name. address and telephone number of the caller, telephone number called, date, time, and length of the call." It would be a simple task for BellSouth — or any other carrier for that matter — to associate 305-555-4567, the BNA information for that telephone number, and the identity of the new local service provider — ABC Telecom Florida — and to provide that information to Americatel.

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[27] *41* C.F.R. $42.6

Of course, should BellSouth incur any additional costs to provide this expanded service, it could, within the parameters of price cap regulation, adjust its price for BNA service CLECs, as non-dominant carriers could also make any necessary price changes for their BNA service — so long as the new BNA rates were just and reasonable Therefore, Americatel submits that the FCC should declare that any LEC that no lonyer serves a particular end user customer should have an obligation, upon the request of a long distance carrier, to indicate which other LEC is now providing service to such end user customer[28] Again, a LEC should be required to provide this information within a reasonable period of time, such as within five business days Also, the obligation to respond should extend for the 18-month period that carriers are required to **keep** long distance call billing records pursuant to Section 42.6 of the FCC's Rules.

D. A Failure to Address the Billing Problem That Arises From the Inability of Long Distance Carriers to Associate ANI and BNA Records for End User Customers That Change Local Service Providers Will Harm Competition from Dial-Around Carriers and Funding for Universal Service

The FCC has long recognized the importance of dial-around calling as a protection against high long distance prices. For example, during the November 1999 Joint FCC-FTC (Federal Trade Commission) Forum on Long Distance Advertising, former FCC Chairman William Kennard estimated that in 1999, dial-around calling amounted to

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[28] It would he ironic, to say the least, if the Commission were. inadvertently. to allow the advent of local competition to erode long distance competition by turning a blind eye to long distance billing problenis described herein and caused by end user customers changing local service providers Such a result would clearly fly in the face of Congressional intent in passing the Telecommunications Act of 1996 ("96 Act"). Competition in all telecommunications markets is our national policy. As the conference committee report to the 96 Act stated. the 96 Act was designed to "provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and infomiation technologies and services to all Americans by opening all telecommunications markets to competition ... ." H.R. CONF. REP. No. 104-548 at 113, *reprinted in* 1996 U.S.C.C.A.N 10, 124. In order to stay faithful to its congressional assignment. the FCC must adjust Its BNA requirements to fit a more competitive local service niarkct.

approximately $3 billion or 7.5% of the long distance calling market.[29] This recognition of the importance of dial-around services to competition has continued under current FCC Chairman Michael Powell. For example, in October 2001, the Commission, under Chairman Powell. issued a consumer brochure in thirteen languages that informed consumers of the wide variety in prices for international long distance calls and urged them to investigate calling alternatives such as dial-around plans and prepaid cards.[30]

The price differences between dial-around carriers and large long distance carriers' basic rates can be significant. For example, AT&T's basic standard-period (8.00 a.m to 11.00 p.m.), per-minute rate to Guatemala is $3.33.[31] (AT&T presumably offers lower rates for those customers who subscribe to one of AT&T's international calling plans, but not every customer subscribes to carriers' special calling plans, which normally impose a monthly fee even when no calls are made.) Americatel's currently effective tariff rate (any time of day) for a one-minute, dial-around call to Guatemala is $0.32.[32] Americatel expects that other carriers. including AT&T, also offer favorable dial-around rates Dial-around service continues to play an important role in the long distance marketplace

However. it only stands to reason that dial-around carriers cannot continue to offer competitive rates to their customers if the carriers cannot even bill for an increasingly significant portion of their calls In order to stay in business, carriers must earn a profit over the

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29 *A Public Forum: Advertising and Marketing of Dial-Around and Other Long-Distance Services to Consumers*. Remarks of William Kennard. November 4. 1999. Transcript at 7

30 News Release. *FCC Expands International Long Distance Calling Initiative* (rel. October 11. 2001)

31 Rate information was taken from AT&T's current International Rate Table IDDD01-DD-M. available at http://serviceguide.att.com/ACS/ext/od.cfm?OID=863&menu=102 (visited July 25. 2002).

32 Americatel Tariff F.C.C.No. 3. §3 42. 1st Revised Page 30 (effective April 26. 2002)

long run and, if this problem goes unaddressed, long distance carriers simply will be required to raise prices for all customers to recoup the costs of unbillable calls, much in the same manner as retailers recover the costs associated with shoplifting by raising their prices for all goods. Lony distance carriers must be given access to accurate BNA information from all carriers and appropriate notice cf changes in local service providers.

Moreover, a failure to resolve this growing billing problem will likely create even more problems for the FCC's universal service program. As the Commission noted in its February 2002 *Notice and Order* on Universal Service funding issues,[33] the Universal Service support program was designed with the assumption that interstate revenues would continue their 1984-97 pattern by growing annually. However. as the Commission indicated in its *Notice and Order,* interstate revenues have declined for many long distance carriers.;' According, the FCC has felt compelled to reexamine its present practice of collecting Universal Service support on the basis of carrier revenues.

Americatel makes no prediction herein regarding whether this downward trend will continue (although Arnericatel is not aware of any factors that would likely cause the trend to reverse itself). Similarly, Americatel is not today endorsing any specific revisions to the Commission's Universal Service support rules. However, Americatel does submit that it would

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33 *Federal-State Joint Board on Universal Service; 1998 Biennial Regulatory Review Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service. North American Numbering Plan. Local Number Portability. nnd Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing nnd Speech Disabilities. and the Americans with Disabilities Act of 1990. Administration of the North American Numbering Plan and North American Numbering Plan Cost Recover)' Contribution Factor and Fund Size; Number Resource Optimization; Telephone Number Portability;* and *Truth-in-Billing and Billing Format*, Further Notice of Proposed Rulemaking and Report and Order, 17 FCC Rcd 3752 (2002) *("Notice and Order")*.

34 *Id.*, at 3576

be folly for the Commission to ignore carriers' billing problems that lead to lower carrier revenues and, axiomatically, reduced contributions to Universal Service programs. Americatel further submits that the public interest would be served by granting the requested relief.

IV. CONCLUSION

For the reasons set forth above, Americatel requests that the Commission enter a declaratory ruling: (1) clarifying that the obligation of all LECs to provide **BNA** service subject to existing safeguards, applies equally to ILECs and to CLECs; (2) that all LECs have an obligation to notify the appropriate presubscribed long distance carrier whenever a specific customer changes local service providers; and **(3)** that all LECs that no longer serve a particular end user customer have an obligation, upon the request of a long distance carrier to indicate which other LEC is now providing that customer's local service

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Dated. September 5, 2002

CERTIFICATE OF SERVICE

I, Lila A Myers, do hereby certify that the foregoing **AMERICATEL PETITION FOR DECLARATORY RULING** was served on this 5th day of September, 2002, upon the following by electronic mail:

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