

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

In the Matter of)
)
Americatel Petition for Declaratory Ruling)
)
)
Petition for Rulemaking to Implement)
Mandatory Minimum Customer Account)
Record Exchange Obligations on All Local) CG Docket No. 02-386
And Interexchange Carriers)
)
Obligations of All Local Exchange Carriers)
to Provide Timely and Accurate Billing)
Name and Address Service to Interexchange)
Carriers)
_____)

**REPLY COMMENTS OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned and pursuant to sections 1.415 and 1.419 of the Federal Communications Commission's (FCC or Commission) rules,² hereby submits its reply comments to Americatel Corporation's (Americatel) Petition for Declaratory Ruling and/or Rulemaking and the Joint Petition for Rulemaking filed by AT&T Corporation, Sprint Corporation, and Worldcom, Inc. (Joint Petitioners).³

¹ USTA is the Nation's oldest trade organization for the local exchange carrier industry. USTA's carrier members provide a full array of voice, data and video services over wireline and wireless networks.

² 47 C.F.R. §§1.415 and 1.419.

³ See *Pleading Cycle Established for Comments on Petition for Declaratory Ruling and/or Rulemaking filed by Americatel Corporation*; *Pleading Cycle Established for Comments on Joint Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on all Local and Interexchange Carriers filed by AT&T Corp., Sprint Corporation, and WorldCom Inc.*, DA 02-3550, (Dec. 20, 2002).

DISCUSSION

Americatel's petition seeks clarification that: (1) the obligations of local exchange carriers (LECs) to provide billing name and address (BNA) service applies to competitive local exchange carriers and LECs; (2) all LECs have an obligation to supply the appropriate presubscribed long distance with the identity of the new servicing carrier whenever one of the LEC's customers changes local service; and (3) any LEC that no longer serves a particular end user customer has an obligation to indicate to a requesting long distance carrier which other LEC is now providing service to the end user.⁴ The Joint Petitioners ask the FCC to initiate a rulemaking proceeding to implement minimum mandatory Customer Account Record Exchange (CARE) obligations on all local and interexchange carriers to ensure the exchange of information needed to maintain accurate billing records and deliver customer service.⁵

USTA agrees with BellSouth Corporation (BellSouth) that the issues raised by Americatel and the Joint Petitioners are essentially the same, the exchange of customer information between carriers.⁶ USTA agrees with BellSouth that there is no need for the Commission to institute a CARE proceeding at this time.⁷ In addition, we agree with SBC Communications, Inc. that "the long term solution for Americatel's issue should be found through further discussions with the industry."⁸ Thus, we contend that the Petitioners' requests are premature and do not warrant the FCC to make a declaratory ruling or initiate a rulemaking proceeding.

USTA contends that there is no need for the Commission to make a declaratory ruling or initiate a rulemaking proceeding when the proper venue is The Ordering Billing Forum (OBF), a

⁴ See *Americatel Petition for Declaratory Ruling*, at 1-2 (Sept. 5, 2002) (Americatel Petition).

⁵ See *AT&T Corp., Sprint Corporation, and WorldCom, Inc.*, Petition for Rulemaking, at 1 (Nov. 22, 2002) (Joint Petitioners).

⁶ Comments of BellSouth Corporation at 1 (BellSouth).

part of the Alliance for Telecommunications Industry Solutions, for the issues presented by Americatel and the Joint Petitioners. In addition, USTA believes that Americatel and the Joint Petitioners have not provided a compelling reason for why the Commission should depart from the OBF process.

OBF provides a forum in which all segments of the industry can and do participate. It is a place where issues are subject to a robust debate and take into account fully the wide spectrum of industry members with diverse operational capabilities. For nearly two decades, OBF has been successfully used by the industry and relied on by the Commission to address technical issues such as the CARE process.⁹

Consequently, we agree with BellSouth that “the OBF is far better suited than a notice and comment rulemaking to consider technical and operational issues that surround the development of workable standards to govern information exchange.”¹⁰

Moreover, USTA contends that it is premature for the Commission to adopt performance metrics for the CARE process. We agree with BellSouth that until “standards are defined and implemented, it is impossible to determine whether metrics are necessary and useful.”¹¹

Consequently, USTA believes that since standards are not in place governing information exchanges by carriers as articulated by Americatel and the Joint Petitioners, we believe that the proper venue for the issues presented in this proceeding is the standards body, OBF.

Finally, USTA believes that carriers need no further regulations in regards to standards governing information exchanges. USTA disagrees with the Joint Petitioners that the FCC should amend section 258 of the Communications Act of 1934, as amended¹² (the Act) to

⁷ *Id.* at 2.

⁸ Comments of SBC Communications, Inc. at 2.

⁹ *Id.* at 4. *See also* Comments of Verizon Communications Inc. at 2.

¹⁰ Comments of BellSouth at 3.

¹¹ *Id.*

¹² 47 U.S.C. § 258.

provide for minimum mandatory CARE obligations. We contend that there is no legitimate reason for the FCC to act independently of the OBF to create any new regulations under section 258 of the Act to provide for minimum mandatory CARE obligations.

CONCLUSION

For the foregoing reasons, USTA urges the FCC to deny Petitioners' requests because the proper forum for the issues presented is the OBF.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



By: _____

Lawrence E. Sarjeant
Indra Sehdev Chalk
Michael T. McMenamain
Robin E. Tuttle

Its Attorneys

1401 H Street, NW, Suite 600
Washington, D.C. 2005
(202) 326-7300

February 4, 2003