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

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated With Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms	)	CC Docket No. 98-171
	)	
Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990	)	CC Docket No. 90-571
	)	
Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size	)	CC Docket No. 92-237 NSD File No. L-00-72
	)	
Number Resource Optimization	)	CC Docket No. 99-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Truth-in-Billing and Billing Format	)	CC Docket 98-170

Partial Opposition To Petition For Interim Waiver

The Ad Hoc Telecommunications Users Committee ("Ad Hoc" or the "Committee"), pursuant to section 1.45 of the Commission's Rules hereby opposes in part the Petition For Interim Waiver filed on February 6, 2003 (the "Petition") by Verizon Telephone Companies, SBS Communications Inc. and BellSouth Corporation (collectively, "Petitioners"). Specifically, Ad Hoc opposes Petitioners' request that the Commission waive its now effective Rules to allow

them to collect the USF assessments associated with the charge for changing presubscribed interexchange carriers (PIC) and the Primary Interexchange Carrier Charges (PICCs) that are charged to multi-line customers who have no presubscribed carrier from other customers.[1] They in effect seek to average USF assessment charges within customer categories.[2]

Petitioners have not satisfied well-established standards for waiver of the Commission's Rules.[3] Indeed, they have not even tried to make the showings needed to justify waiver of the Commission's Rules. Petitioners merely argue that they should not be required to make a "significant change" to their billing systems to allow them to collect the Universal Service assessments associated with those charges only from the customers who incur those charges while their petitions for reconsideration of the Commission's December 13, 2002 *Report and Order and Second Further Notice of Proposed Rulemaking* in these proceedings are pending.[4] Petitioners have not quantified the costs they would incur; they offer only conclusory characterizations. They do not care that other multi-line subscribers would pay higher USF charges than required by Commission as a

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[1] Petition at 6.

[2] Ad Hoc does not oppose that part of the Petition that seeks to maintain the status quo for Centrex service. The competitive neutrality concerns that apply to Centrex in a revenue-based USF assessment methodology would not, however, properly pertain in a USF assessment methodology that uses working telephone numbers as the assessment metric and may not properly apply without modification in a connections-based assessment system.

[3] See, *WAIT Radio v. FCC,* 418 F.2d 1153 (DC Cir. 1969), *cert. denied,* 409 U.S. 1027 (1972); *Norway Rural Tel. Co. 17 FCC Rcd 20127* (Acting Chief, Telecommunications Access Policy Division, 2002). Petitioners do not come close to showing hardship, inequity or frustration of an overall Commission policy. Their sole substantive argument is that they do not want to spend an unspecified amount of money to modify their billing systems.

[4] *Federal-State Joint Board on Universal Service,* Report and Order and Second Further Notice of Proposed Rulemaking, FCC 02-329 (rel. Dec. 13, 2002).

result of Petitioner's desire to avoid billing system change costs.[5] If Petitioner's patently inadequate showing were to justify waiver of the Commission's rules, the Commission would be hard pressed to defend its rules against other such petitions for waiver.

Accordingly, Ad Hoc respectfully requests that the Commission deny that part of the Petition that the Committee hereby opposes.

Respectfully submitted,

Ad Hoc Telecommunications
Users Committee

By:_____
James S. Blaszak
Counsel to the Ad Hoc
Telecommunications Users
Committee

[5] It is far from certain that the Commission will adopt a non-revenue-based assessment methodology. The billing changes needed to implement the December 13, 2002 may be in place for a substantial period of time.

Certificate of Service

I, Michaeleen I. Williams, hereby certify that true and correct copies of the preceding Partial Opposition to Petition for Interim Waiver of the Ad Hoc Telecommunications Users Committee was served this 19th day of February, 2003 via the FCC's ECFS system, and by first class mail upon the following:

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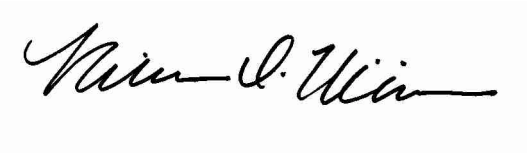

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February 19, 2003