

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Rules and Regulations Implementing the) CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)
) CC Docket No. 92-90
)

REPLY COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications, Inc. (“SBC”) hereby submits these reply comments in response to the supplemental comments filed in the above captioned proceeding. As SBC demonstrates herein, to the extent a national do-not-call (“DNC”) regime is adopted, the Commission should not require carriers and their communications-related affiliates and subsidiaries to pay separate regulatory fees for the national do-not-call list.

As SBC fully demonstrated in its initial comments and reply comments, a national do-not-call registry is neither necessary nor justified by the record in this proceeding. While Congress has enacted legislation requiring the Commission to adopt rules substantially similar to the FTC’s DNC rules, the FCC remains bound by the Telephone Consumer Protection Act of 1991 (TCPA) which does not require the Commission to implement a national DNC registry. Rather, the TCPA requires the Commission to implement measures most effective in protecting the privacy rights of residential consumers while balancing the rights of telemarketers. As SBC has aptly shown in its prior comments, the existing company-specific DNC rules, with certain modifications, are more than sufficient to adequately balance these interests, thereby obviating the need for a much more restrictive national registry.

In any event to the extent the Commission determines that a national registry is necessary, SBC fully supports the Direct Marketing Association’s request that the Commission not impose a separate fee on a carrier’s subsidiaries and affiliates for access to the national DNC

list. SBC's corporate structure is dictated in large part by federal and state regulatory requirements which obligate SBC to provide its various telecommunications and communications-related services via subsidiaries or affiliated entities. Today, SBC has twenty-four telephone companies and at least nineteen other separate affiliates providing communications-related services. If a separate fee is required for each SBC subsidiary and affiliate, SBC would be forced to pay at least 43 separate fees, an obligation its competitors such as AT&T would not have to pay because they are not subject to the same legal and regulatory constraints. It is not equitable that SBC should have to pay multiple regulatory fees for the DNC registry because regulatory requirements obligate SBC to provide certain services through separate affiliates.

Importantly, consumers view SBC as one entity. SBC utilizes one sales force to telemarket all of its services, including services provided by affiliated entities, that relies on one company-specific DNC list for the SBC family of companies. SBC provides consumers single billing for its services, unified bill resolution for all of its services and, further, customer service support for the family of services. Thus, whether service is provided by an SBC telephone company or SBC Internet provider, consumers know us as SBC. The SBC family of companies, in their provision of communications-related services, should therefore be treated as one seller for purposes of any DNC regulatory fees assessed.

CONCLUSION

For the foregoing reasons, to the extent the Commission adopts a national do-not-call regime, it should treat a carrier, and its communications-related subsidiaries and affiliates, as one entity for purposes of any regulatory fees assessed.

Respectfully Submitted,

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