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June 19, 2003

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW,  
Washington D.C. 20554

**Re: *Ex Parte* Presentation, CG Docket No. 02-386**

Dear Ms. Dortch:

On June 18, 2003, representatives from AT&T, Sprint and WorldCom d/b/a MCI met with Margaret Egler, Nancy Stevenson, Perlesta Hollingsworth and Alexis Johns from the Consumer and Governmental Affairs Bureau. AT&T's representatives were Lynn Crofton, Michael Del Casino and by phone Martha Marcus, Carol Wohlrab, Sue Landerman and Diane Sidorski. Sprint's representatives were the undersigned and by phone Lil Taylor and Cathy Clucas. MCI's representative was Karen Reidy. The purpose of the meeting was to discuss the topic of mandatory minimum CARE (Customer Account Record Exchange) standards in the above-referenced proceeding and, in particular, the points raised in the attached letter.

If you have any questions or need more information, please contact me.

Sincerely,

Attachment

c: Margaret Egler (By Email)  
Nancy Stevenson (By Email)  
Perlesta Hollingsworth (By Email)  
Alexis Johns (By Email)

June 19, 2003

Margaret Egler, Deputy Chief  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington D.C. 20554

**Re: *Ex Parte* Presentation by AT&T, Sprint and WorldCom d/b/a MCI-- CG  
Docket No. 02-386; Joint Petition to Implement Mandatory Minimum  
Customer Account Record Exchange Obligations; Petition for Declaratory  
Ruling and/or Rulemaking Filed by Americatel Corp.**

Dear Ms. Egler:

In the above-captioned proceeding, the Commission is considering whether to issue a Notice of Proposed Rulemaking to address problems due to the lack of exchange of customer records between local exchange carriers ("LECs") and interexchange carriers ("IXCs") that have arisen in the wake of developing competition in local markets. The petition filed by the Joint Petitioners -- Sprint, AT&T and WorldCom d/b/a MCI -- requests that the Commission impose mandatory minimum Customer Account Record Exchange ("CARE") requirements on all LECs and IXCs. Nearly all of the parties filing comments to the Joint Petition agreed that the Commission needs to prescribe a regulatory structure for the exchange of customer information and that such structure should be based upon the CARE process.<sup>1</sup>

The Americatel petition centers on the difficulties faced by providers of dial-around services in obtaining customer billing name and address ("BNA") information from the LECs. Dial-around carriers do not have an established business relationship with their customers and thus need to enter into billing and collection agreements or at least obtain BNA information from the LECs so that they can bill their end-users. While many incumbent local exchange carriers ("ILECs") are willing to either enter into billing and collection agreements with dial-around carriers or provide BNA information to such carriers pursuant to tariff, many competitive local exchange carriers ("CLECs") do neither.

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<sup>1</sup> In fact, the objections of those relatively few commenters who opposed the institution of the requested rulemaking were based primarily on perceived costs of implementing CARE. However, as the Joint Petitioners explained, objections to the prescription of mandatory minimum CARE standards should be addressed during the rulemaking on the basis of a complete record and did not in any way justify denying the Joint Petition. See Reply Comments of Joint Petitioners filed February 4, 2003 at 2.

The Joint Petitioners have urged the Commission to address the serious billing problems confronting the IXC's and the dial-around carriers in a phased approach.<sup>2</sup> The first phase would require all LECs and IXC's to participate in mandatory minimum CARE. The Joint Petitioners -- all of whom offer end users the ability to make calls over their networks by dialing 1010XXX -- believe that mandating minimum CARE would help alleviate a substantial portion of the billing problems being encountered by all IXC's including dial-around carriers. At the very least, dial-around carriers would have an existing industry developed and supported BNA process from which to request and obtain an end-user's BNA from all facilities-based LECs. The second phase would examine the issue of creating an industry-wide line level database in order to address remaining billing problems associated with dial-around, collect and bill-to-third party calls.

In an *ex parte* letter dated May 15, 2003 to Margaret Egler, Deputy Chief, Consumer & Government Affairs Bureau, FCC from Robert H. Jackson, Americatel's counsel ("Letter"), Americatel objects to the phased approach being recommended by the Joint Petitioners. Rather, Americatel argues that both the Joint Petition and Americatel's petition for declaratory ruling "should ... be decided at the same time" but that if bifurcation is necessary, Americatel's earlier filed petition "should clearly be decided first." Letter at 5. The Joint Petitioners respectfully suggest that none of Americatel's objections are valid.

First, Americatel argues that the Joint Petitioners have not shown that their recommended phased approach is any less complex or more easily adopted than Americatel's request for relief. What this argument overlooks is the fact that CARE has been in existence for almost 19 years; CARE has worked reasonably well in providing for the seamless exchange of customer account information between IXC's and ILECs; and the Joint Petitioners are simply asking this well functioning process be mandated for all LECs, especially the CLECs that have entered the local market in the wake of the 1996 Act.

Second, Americatel argues, "it would be blatantly unfair for Americatel's issues to be deferred because Americatel filed its petition for declaratory ruling more than two months before the Joint Petitioners filed their request for relief." Letter at 2. The issue is how best to meet the industry's goals of ensuring the timely and accurate exchange of critical customer information, decrease the number of customer perceived slamming and cramming incidences and conserve the Commission's scarce resources by minimizing the number of complaints it receives from end-users. The Joint Petitioners strongly believe that its proposal will enable these goals to be achieved quickly. While it certainly can be argued that the establishment of a line level database, which Americatel appears to favor, is perhaps a more comprehensive solution to current data exchange problems in the industry, "[t]he best must not become the enemy of the good."<sup>3</sup>

Third, Americatel argues that "the lack of customer billing information is causing significant, on-going financial problems for dial-around carriers..." Letter at 2. But this problem is not unique to stand-alone dial-around carriers like Americatel. As stated, all of the Joint

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<sup>2</sup> See Joint Petitioners' *Ex Parte* Presentation, dated April 9, 2003.

<sup>3</sup> *MCI v. FCC*, 627 F.2d 322 (D.C. Cir. 1980).

Petitioners offer the ability for customers to use their service on a dial-around basis and experience a high level of uncollectibles due to the fact that many CLECs refuse to provide them with BNA. Of course, Joint Petitioners and dial around carriers can attempt to reduce the level of uncollectibles by blocking calls from certain line numbers, which have proven to represent unbillable toll. But blocking is expensive for carriers and disruptive to consumers. The better approach is to utilize the resources that are currently available to all long distance carriers including dial-around carriers. The industry has existing separate and distinct databases available which provide the identification of the LEC for the end-user's telephone number when the LEC is a facility-based carrier. The Local Exchange Routing Guide ("LERG") provides identification of the LEC for a given NPA-NXX; the Number Portability Administration Center ("NPAC") provides identification of the LEC for a given Ported Automatic Number Identification ("ANI"); and the Number Pooling Database identifies the LEC for a given range of NPA-NXXs that have been re-assigned to a new LEC. Every carrier is able to obtain access to these databases for the identification of a facility-based LEC for a given ANI, which leaves only the identification of the LEC in certain circumstances, such as when the carrier is a reseller or switchless provider.<sup>4</sup>

Fourth, Americatele argues that the Joint Petitioners' suggested approach in dealing with the issues presented by the two petitions is anti-competitive. It is simply not anti-competitive to advise the Commission on how to structure a proceeding dealing with related issues, some of which are far more controversial than others and, as such, more difficult to resolve. Moreover, as previously stated, adopting the Joint Petitioners' mandatory minimum CARE proposal will help in substantially reducing the unbillable problems of dial-around carriers, like Americatele, caused by lack of BNA. Thus, by asking the Commission to continue the exploration of

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<sup>4</sup> See Joint Petitioner's Ex Parte of April 9, 2003 at 6.

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solutions that address the remaining issues raised by Americatel's petition in a second phase after examining the merits of the Joint Petitioners' mandatory minimum CARE proposal cannot in any way be considered anti-competitive.

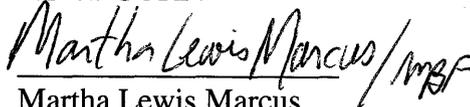
Respectfully submitted,

SPRINT CORPORATION



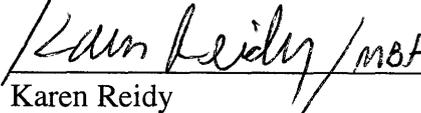
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