Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In the Matter of	)	
	)	
Petition of WorldCom, Inc.	)	CC Docket No. 94-129
	)	
Petition for Declaratory Ruling that West Virginia's Definition of Customer of Record Is Inconsistent with the FCC's Rules	)	

COMMENTS OF BELLSOUTH

BellSouth Corporation, on behalf of its wholly owned affiliates ("BellSouth"), files these comments in support of WorldCom, Inc.'s ("MCI's") Petition seeking preemption of West Virginia's verification requirements ("Petition").

The West Virginia Public Service Commission ("PSC") established a rule limiting the ability of subscribers to exercise their rights to authorize persons other than themselves to change telecommunications carriers for local and intrastate services. The rule allows such change to be completed only by the customer of record. MCI's Petition states that this limitation "has had a major impact on long distance consumers, as well as MCI long distance sales, in the state of West Virginia."[1] MCI argues that this limitation's impact on interstate sales "obstructs the express federal objective of giving the customer of record control over who had such authority."[2] Consequently, MCI asks the Commission to preempt the West Virginia rule.

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1 Petition at 2.

2 *Id.* at 3.

BellSouth agrees with MCI that the Commission should preempt the rule. Clearly, it conflicts with the Commission's verification rules that allow the customer of record to authorize other adult persons to change telecommunications services on the customer of record's behalf. Such authorization only makes sense. There are numerous situations where the occupants of a dwelling share equal decision-making authority over the selection of the telecommunications carrier but only one occupant will be the customer of record. For example, couples will often establish service in only one name but each person has authority within the relationship to change carriers. Under the West Virginia rule, however, the person who is not the customer of record would be precluded from making a change and, instead, must rely on the significant other to perform that task. This could be especially onerous in today's transient and mobile society. Moreover, we currently are a nation at war. What does a spouse of a soldier stationed in Iraq do if the soldier is the customer of record and the spouse wants to change carriers to take advantage of better rates or, perhaps, a better international calling plan? Unfortunately, under West Virginia's rules the spouse would have to wait until the soldier comes home from duty and forgo any savings that could have been obtained through the new carrier. Surely, this does not promote the public interest.

Moreover, the West Virginia rule does not accomplish consumer protection any better than the Commission's rule. Under the Commission's rule a carrier's representative must ask if the person with whom they are speaking is authorized by the customer of record to make a change. Only if the person replies in the affirmative can the carrier make the change. BellSouth assumes that West Virginia eschews allowable authorization for fear that the person making the change could falsely claim to have proper authority when actually he or she does not. If the person is going to falsely claim to have authority to make a change, however, then the person

could just as easily falsely claim to be the customer of record. Thus, the protection that West Virginia seems to be attempting to put in place is no more effective than the Commission's rule on verification.

Finally, BellSouth agrees with MCI's Petition concerning the Commission's policies and the reasoning behind them. Allowing the West Virginia rule to remain in effect would thwart these polices. As MCI points out, this is a matter that is ripe for Commission action and not merely a theoretical case. Accordingly, the Commission should grant MCI's Petition.

Respectfully submitted,

BELLSOUTH CORPORATION

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Dated: June 14, 2004

CERTIFICATE OF SERVICE

I do hereby certify that I have this 14th day of June 2004 served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing addressed to the parties listed below.

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