

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket No. 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local and)	
Interexchange Carriers)	

**REPLY COMMENTS of the
NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.,
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION, and
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES**

The National Exchange Carrier Association, Inc. (NECA), the National Telecommunications Cooperative Association (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby submit these Reply Comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding.¹ An association of all incumbent local exchange carriers (ILECs), NECA is the administrator of the Commission's interstate access charge pool for rate-of-return local exchange carriers (LECs) and files a uniform interstate access tariff on behalf of its pool members. NTCA and OPASTCO are national trade associations with each representing more than 560 rural rate-of-return regulated ILECs.

¹ Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, CG Docket No. 02-386, *Notice of Proposed Rulemaking*, 69 Fed. Reg. 20845 (2004).

The Commission seeks comment on whether, *inter alia*, it should impose mandatory minimum Customer Account Record Exchange (CARE) obligations on all local and interexchange carriers (IXCs) and, in specified situations, require carriers to transmit certain CARE codes to involved carriers that are designed to provide specific billing and other essential customer data.

The NPRM addresses IXC concerns regarding the exchange and availability of customer data in a competitive telecommunications marketplace. Based on two petitions filed by multiple IXCs,² the NPRM focuses particularly on issues involving competitive LEC (CLEC) performance with regard to information exchange. Indeed, as AT&T, MCI and Sprint point out, the problem surfaced with the arrival to the marketplace of CLECs,³ some apparently unfamiliar with or unwilling to participate in industry customer record sharing practices. Yet the NPRM proposes broad solutions that would extend the same obligations to all LECs, including rural ILECs.

As numerous commenters point out, the rural independent marketplace is extremely diverse as well as significantly different from the regional Bell marketplace today.⁴ Many rural ILECs have few competitive options for IXC service, and few experience competition from CLECs. NECA, NTCA and OPASTCO caution the Commission to ensure that the outcome of this proceeding does not impose additional

² Americatel Petition for Declaratory Ruling (filed September 5, 2002) (*Americatel Petition*); AT&T, Sprint, and WorldCom Petition for Rulemaking (filed Nov. 22, 2002) (*IXCs Petition*).

³ AT&T, MCI and Sprint Joint Comments (*IXCs Comments*) at 3.

⁴ See, NTCA Comments at 2-4; Oklahoma Rural Telephone Companies Comments at 3; Rural Incumbent Local Exchange Carriers Comments at 4-5; Texas Statewide Telephone Cooperative, Inc. Comments at 2.

unnecessary regulatory burdens on small rural LECs.⁵ NECA pool, NTCA and OPASTCO members are not the cause of the “billing problems that have arisen in the wake of CLEC [marketplace] entry”⁶ that the NPRM seeks to address, but would most certainly suffer economic hardship should universal CARE rules be imposed.

NECA pool members have for years exchanged end-user account information with IXCs through a variety of methods, including but not limited to CARE,⁷ and many rural ILECs manage information exchanges on a manual basis. Indeed, as NECA, NTCA and OPASTCO recently informed the Commission in its PIC change charge proceeding, the approximately 1,100 carriers in NECA’s Traffic Sensitive Pool process on average fewer than two PIC changes per carrier per month.⁸ BellSouth alone, in comparison, projected an average of more than 750,000 PIC changes per month for 2003.⁹

CARE is a complex coding system that supports a data format intended to facilitate the mechanized exchange of information with IXCs and other carriers.¹⁰

Although the NPRM suggests that CARE data may be transmitted in a variety of ways to

⁵ Should the Commission ultimately decide on standards for “all LECs,” it should ensure that they apply as well to all IP-enabled service providers offering functionally equivalent services that touch the public switched telephone network (PSTN) to originate or terminate voice traffic.

⁶ IXCs Comments at 8.

⁷ NECA pool members provide BNA service as described in NECA Tariff FCC No. 5, Section 13.9.

⁸ Comments of NECA, NTCA and OPASTCO, CC Docket No. 02-53 (filed June 15, 2004) at 2.

⁹ The figure is derived from BellSouth’s projected demand of 9,005,174 PIC changes for all of 2003. BellSouth, Description and Justification of its October 14, 2003 FCC Tariff No. 1 Transmittal No. 746 (at 9).

¹⁰ CARE OBF Standards, Section 1.4.

minimize start up costs for LECs that do not currently provide CARE data,¹¹ it is not clear whether the NPRM actually contemplates universal mechanization, or is a step in that direction. Regardless, such a requirement would impose great and unnecessary burdens on small rural ILECs utilizing adequate manual processes.

The industry's Ordering and Billing Forum's (OBF's) CARE initiative has been an ongoing process for twenty years.¹² During that time, and despite the great technological advancements in the telecommunications industry, the industry experts participating in OBF have decided to permit customer account information to be exchanged in multiple formats, including even plain paper via regular post.¹³ Before ordering the universal exchange of standardized CARE information, much less via mechanized means, the Commission would do well to bear in mind the OBF's position on this point. At the same time, it should take heed of the acknowledgment of AmeriCatel—a chief proponent of mandatory standardized CARE data—that it is no “hollow argument” that rural ILECs should be exempt from any mandatory CARE rule because rural ILECs “often lack both the resources to provide the additional information and generally serve only a limited number of customers.”¹⁴

NECA, NTCA and OPASTCO do, nonetheless, have concerns about AmeriCatel's proposal to combat the billing problems of dial-around carriers by requiring all LECs to provide information to IXC's regarding a customer's serving LEC through the mandatory

¹¹ *IXCs Petition* at 8.

¹² Alliance for Telecommunications Industry Solutions (ATIS) Comments at 8.

¹³ ATIS Comments at 4, n.8.

¹⁴ AmeriCatel Comments at 10.

establishment of a national line-level database.¹⁵ Other IXC's do not endorse this proposal.¹⁶ They recognize, at least implicitly, that carriers who capture local service customers should bear responsibility for alerting the IXC of the end user's new local phone service provider.¹⁷ Implementing such a mechanism may raise additional issues, such as whether LECs have access to the information requested, whether alternative sources of that information exist, and whether disclosure of such information is consistent with Commission Customer Proprietary Network Information (CPNI) rules and customer privacy expectations.

In sum, the Commission should carefully consider the status of OBF and other industry solutions before adopting rules that may ultimately prove unworkable and/or overly burdensome and costly, particularly as applied to small rural telephone companies.

Respectfully submitted,

**NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.**

By: /s/ Richard A. Askoff
Richard A. Askoff
Clifford C. Rohde
Its Attorneys

80 S. Jefferson Road
Whippany, NJ 07981
973/884-8000

¹⁵ Americatel Comments at 11-12.

¹⁶ IXC's Comments at 11-12; *Accord*, Time Warner Telecom Comments at 5-6.

¹⁷ IXC's Comments at 11-12.

**NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION**

By: /s/ L. Marie Guillory
L. Marie Guillory
Daniel Mitchell
Its Attorneys

4121 Wilson Blvd, 10th Floor
Arlington, VA 22203
703/351-2000

**ORGANIZATION FOR THE PROMOTION
AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES**

By: /s/ Stuart Polikoff
Stuart Polikoff
Director of Government Relations

21 Dupont Circle, NW, Suite 700
Washington, DC 20036
202/659-5990

CERTIFICATE OF SERVICE

I hereby certify that a copy of The Association's Reply Comments was served this 18th day of June 2004, by electronic filing and first class mail to the persons listed below.

By: /s/ Elizabeth R. Newson
Elizabeth R. Newson

The following parties were served:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
(via ECFS)

Geoffrey B. Dryvynsyde
Public Utilities Commission of the
State of California
505 Van Ness Ave.
San Francisco, CA 94102

Best Copy and Printing, Inc.
Room CY-B402
445 12th Street, SW
Washington, DC 20554

Mary Kathryn Kunc
Ron Comingdeer
Kendall W. Parrish
Comingdeer, Lee & Gooch
6011 N. Robinson
Oklahoma City, OK 73118
*Counsel for Oklahoma Rural Telephone
Companies*

J.G. Harrington
Jason E. Rademacher
Dow, Lohnes & Albertson PLLC
1200 New Hampshire Ave, NW, Ste.
800
Washington, DC 20036
Counsel for Cox Communications

James Bradford Ramsay
National Association of Regulatory
Utility Commissioners
1101 Vermont Ave, NW, Ste. 200
Washington, DC 20005

Gerard J. Waldron
Mary Newcomer Williams
Matthew S. DelNero
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004
*Counsel for TDS Telecommunications
Corp.*

Andrew D. Crain
Kathryn Marie Krause
Michael B. Adams
Qwest Communications
607 14th Street, NW, Ste. 950
Washington, DC 20005

Ann Jouett Kinney
Cincinnati Bell Telephone Co.
201 East Fourth Street
Room 102-890
Cincinnati, Ohio 45202

Thomas Jones
Willkie, Farr & Gallagher LLP
1875 K Street NW
Washington, DC 20006
Counsel for Time Warner Telecom

Cammie Hughes
Texas Statewide Telephone Cooperative
3721 Executive Center Drive, Ste. 200
Austin, TX 78731

Marnell Robertson
Creative Support Solutions
5508 Highway 290 W, Ste. 203
Austin, TX 78735

Laura L. Holloway
Jared M. Carlson
Nextel Communications
2001 Edmund Halley Drive
Reston, VA 20191

Joseph DiBella
Verizon
1515 North Court House Road, Ste. 500
Arlington, VA 22201

Davida Grant
Gary L. Phillips
Paul K. Mancini
SBC Communications Inc.
1401 I Street NW 11th Floor
Washington, D.C. 20005

Michael F. Altschul
CTIA
1400 16th Street, NW, Ste. 600
Washington, D.C. 20036

Lawrence J. Lafaro
Stephen C. Garavito
Martha Lewis Marcus
AT&T
Room 3A225
900 Route 202/206 North
Bedminster, NJ 07921

Karen Reidy
MCI
1133 19th Street, NW
Washington, DC 20036

Michael B. Fingerhut
Sprint
401 9th Street, NW, Ste. 400
Washington, DC 20004

Judith L. Harris
Robert H. Jackson
Reed Smith LLP
1301 K Street, N.W.
Ste. 1100 – East Tower
Washington, D.C. 20005
Counsel for Americatel Corporation

James W. Olson
Indra Sehdev Chalk
Michael T. McMenamin
Robin E. Tuttle
United States Telecom Association
1401 H Street, NW, Ste. 600
Washington, DC 20005

Elliot Sptizer
Keith H. Gordon
Susanna M. Zwerling
New York State Attorney General's
Office
120 Broadway
New York, NY 10271

Megan L. Campbell
ATIS
1200 G Street, N.W., Ste. 500
Washington, D.C. 20005

Mary Boyd
Intrado Inc.
1601 Dry Creek Drive
Longmont, Colorado 80503

Elizabeth A. Noël
Sandra Mattavous-Frye
Barbara L. Burton
Joy M. Ragsdale
Office of the People's Counsel for the
District of Columbia
1133 15th Street, NW, Ste. 500

Washington, DC 20005

L. Marie Guillory
Daniel Mitchell
Jill Canfield
National Telecommunications
Cooperative Association
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203

Angela N. Brown
BellSouth Corporation
675 West Peachtree Street, Ste. 4300
Atlanta, GA 30375

Mary E. Wand
Morrison & Forester LLP
425 Market Street
San Francisco, CA 94105
*Counsel for Working Assets Funding
Service, Inc.*

Kimberly Wheeler Miller
NeuStar, Inc.
2000 M Street, N.W., Ste. 600
Washington, D.C. 20036

Janine L. Migden-Ostrander
David C. Bergmann
Terry L. Etter
Linda L. Pausch
Ohio Consumers' Counsel
10 West Broad Street, Ste. 1800
Columbus, Ohio 43215-3485

NASUCA
8380 Colesville Road, Ste. 101
Silver Spring, MD 20910

Susan J. Bahr
Law Offices of Susan J. Bahr
PO Box 86089
Montgomery Village, MD 20886
*Counsel for Rural Incumbent Local
Exchange Carriers*

Paul Alfonso
NECPUC
C/o Massachusetts Dept. of Telecom and
Energy
One South Station
Boston, MA 02110

Michael S. Slomin
Telcordia Technologies, Inc.
One Telcordia Drive, RRC-5J108
Piscataway, New Jersey 08854

Gregg C. Sayre
Frontier and Citizens Communications
180 South Clinton Avenue
Rochester, NY 14646

Joe Schuele
Martin Group
8632 West 86th Circle
Arvada, CO 80005

Tina Donahoo
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78711-3326