

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

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

**REPLY COMMENTS OF
THE ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES**

The Association for Local Telecommunications Services (“ALTS”) hereby files its reply comments in the above-referenced proceeding in response to the Commission’s Notice of Proposed Rulemaking in CG Docket No. 02-386.¹ ALTS is the leading national trade association representing the interests of facilities-based competitive local exchange carriers (“CLECs”). ALTS member companies’ primary objective is to provide facilities-based competition in the telecommunications market, including voice, broadband and other advanced telecommunications services.

In this proceeding, the Commission attempts to address issues raised in a petition filed jointly by AT&T, Sprint and MCI (formerly WorldCom) (collectively, the “Joint Petitioners”) and another by Americatel.² The Commission seeks comment on whether mandatory minimum CARE standards could provide consistency within the industry and could eliminate a significant percentage of consumer complaints concerning billing

¹ *In the matter of 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, FCC 04-28 (rel. Mar. 25, 2004) (“NPRM”).

² *Id.* ¶ 1.

errors.³ ALTS submits that the issues discussed in the NPRM have not been shown to be widespread throughout the industry, thus the Commission should not attempt to address these concerns with sweeping regulation that will impose unnecessary burdens and costs on all carriers.

ALTS members believe that certain customer record information must be passed between carriers in order to allow for appropriate billing and customer service. However, ALTS urges the Commission not to mandate a rigid format or submission procedure that would unduly burden smaller carriers, especially those that may process few of these transactions. For example, CLECs should not be required to implement an automated electronic data transfer with other carriers, which would be very costly.⁴ Rather, ALTS agrees with Joint Petitioners that carriers should have the flexibility to pass the appropriate data to other carriers via whatever means suits the carriers involved, such as paper, fax or e-mail.⁵

Some ALTS members do currently participate in CARE, but they may not currently utilize the specific codes proposed by the Joint Petitioners. Other ALTS members do not specifically participate in CARE but exchange customer record information in some other format, according to their needs and those of IXC's and other carriers.⁶ These CLECs should not be required to change the processes they have already established with IXC's or other carriers unless and until a concern has been raised about those specific processes, which is not the case in this proceeding. The concerns that Joint Petitioners raise deal primarily with carriers who do not exchange *any* information with

³ *Id.* ¶ 9.

⁴ *See* TDS Comments at 9-10.

⁵ NPRM ¶ 7.

⁶ TDS Comments at 3.

other carriers. Rather than imposing a mandatory CARE process on all carriers, even those who currently use other processes without complaint, the Commission should instead require that carriers exchange certain mandatory data, but not through a specific mandatory process. ALTS strongly agrees with Qwest: “While the exchange of customer information is critical, at this time it remains unclear that participating in CARE -- either its coding or its mechanization -- is fundamental to the success of carrier data exchanges. For this reason, the costs associated with adopting a CARE process standard may well outweigh the benefits and may be an excessive means to a more refined end: the successful sharing of information.”⁷

ALTS further concurs with Qwest’s proposal that rather than attempt to mandate a particular format for data exchange, the Commission should focus this proceeding on identifying the critical data to be exchanged in order to fill information gaps or to avoid fraud or abuse of service.⁸ Then, the Commission should require carriers to exchange such data, either by adopting a mandatory rule or by announcing that failure to share information in such cases would most likely be deemed an unreasonable act under Section 201(b).⁹ In this way, the Commission and carriers would have adequate means of enforcement in a complaint proceeding, which is the appropriate vehicle for handling individual concerns. The Commission should not here overly regulate and burden the entire industry simply to curb the activities of a few bad actors. Instead, it should expect and require that those issues be addressed in complaint proceedings, where specific factual data can be reviewed. The comments in this proceeding show that this is not a

⁷ Qwest Comments at 6.

⁸ *Id.* at 1.

⁹ *Id.* at 3.

pervasive industry problem, thus the Commission should not adopt an industry-wide resolution.

To the extent the Commission does choose to mandate certain CARE requirements, it should only require the minimum necessary to serve its purpose and that place minimal burdens on small carriers.¹⁰ It should rely on OBF to develop the detailed standards because it is an industry consensus-based standards setting body, which is better equipped to accurately determine the minimum information to be exchanged and has the flexibility to alter its requirements as conditions and experience warrant without a Commission rulemaking process.¹¹ The OBF maintains a broad and evolving list of useful codes, and carriers are free to implement only those codes that are appropriate and necessary to their circumstances, and the Commission should maintain that flexibility.¹² Moreover, as noted by Cox, “as an industry-led group that develops its prescriptions by consensus, the OBF would be unlikely to adopt requirements that are unduly burdensome or that put important customer information at risk.”¹³

ALTS would also stress that the industry-run OBF is an appropriate forum to assess if there is a pervasive information-exchange “problem” in the industry that needs resolution. The Commission notes that Petitioners have sought regulatory intervention expressly because OBF has not resolved their concern. However, that fact may speak for itself, indicating that the problem is not as pervasive as Petitioners claim, for if it was, surely the industry participants in OBF could and would work to solve it. In other words, simply because Petitioners claim they have a concern that OBF has not addressed does

¹⁰ Cox Comments at 3, TDS Comments at i.

¹¹ Cox Comments at 1.

¹² TDS Comments at i.

¹³ Cox Comments at 4.

not mean that the Commission should intervene with regulatory requirements and oversight.

In addition, the Commission should not require LECs to provide notification to IXCs, other than to notify them that a customer has selected another carrier. To do otherwise would be burdensome for carriers and would risk divulging proprietary information to their competitors. Requiring LECs to provide more detailed information to IXCs would mostly benefit the IXC marketing efforts, not IXC or LEC customers.¹⁴

Furthermore, ALTS urges the Commission not to develop performance measurements for any minimum CARE standards it may adopt until carriers have had ample opportunity to fully implement the requirements and the Commission determines that such performance measurements are necessary.¹⁵ As discussed above, comments in this proceeding show that the concerns raised by Joint Petitioners are not pervasive throughout the industry, thus it is unnecessary to adopt mandatory CARE requirements. If the Commission does decide to adopt such requirements, however, it is clearly unnecessary at this time to develop performance measurements to further burden all carriers in order to address concerns that apply to a small number of industry participants.

¹⁴ *Id.* at 6.

¹⁵ NPRM ¶ 16.

Conclusion

The Commission should focus this proceeding on identifying the critical data that carriers must exchange to ensure proper billing and customer service, but not adopt mandatory requirements regarding the data format or process of transferring this data. Evidence in this proceeding does not support a claim that Petitioners' concerns are industry-wide, thus the Commission should not adopt rules that will adversely impact many carriers in its attempt to curb bad behaviors of a few. Instead, it should consider options that satisfy the specific concerns raised while imposing the least burden on carriers.

Respectfully Submitted,

/s/

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