

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

**In the Matter of**

**Petitions of  
Global Crossing Telecommunications, Inc.  
and SBC Communications, Inc.  
for Declaratory Ruling**

)  
)  
)  
)  
)  
)

**WC Docket No. 04-424**

**MCI COMMENTS**

MCI, Inc. (MCI) hereby submits its comments on the Petition for Declaratory Ruling filed by Global Crossing Telecommunications, Inc. (Global Crossing) on October 27, 2004 and the Petition for Declaratory Ruling filed by SBC Communications, Inc. (SBC) on November 12, 2004 in the above-captioned proceeding. For the reasons discussed herein, the Commission should grant Global Crossing's petition and deny SBC's petition.

Global Crossing's petition presents the Commission with a straightforward question of tariff interpretation. Specifically, Global Crossing requests that the Commission find that, pursuant to Southwestern Bell Tariff FCC No. 73, the access minutes associated with wireless-originated calls should be assigned to the appropriate jurisdiction by applying a customer-reported Percent Interstate Usage (PIU), not by applying a SWBT-developed PIU based on calling and called party telephone numbers.

Global Crossing's interpretation of SWBT Tariff FCC No. 73 is correct. Section 2.4.1(A)(2)(b) of SWBT Tariff FCC No. 73 requires SWBT to apply a customer-supplied PIU whenever "call details are insufficient to determine jurisdiction."<sup>1</sup> Because the "call details are insufficient to determine jurisdiction" for wireless-originated calls, SWBT Tariff FCC No. 73 requires SWBT to apply a customer-supplied PIU to such calls.

The Commission has repeatedly found that the call details available with current technology do not permit a LEC to determine the jurisdiction of wireless-originated calls.<sup>2</sup> In particular, the calling party number (CPN) field of a Signaling System 7 (SS7) message is not sufficient to determine whether a wireless call originated in the same state as the called party or in a different state. The calling party number for a wireless-originated call is associated with a particular handset; because the handset is mobile, the calling party number does not specify the state in which a wireless call from that handset originated. While a wireless-originated call with a "Virginia" NPA in the CPN field *may* have originated in Virginia, it could just as easily have originated in California. Consequently, a simple comparison of the calling and called party number is "insufficient" to determine whether the call is interstate or intrastate.

The Commission should reject SBC's claim that its tariff requires wireless-originated calls to be rated using a SWBT-developed PIU based on calling and called party numbers. Pursuant to section 2.4.1(A)(2)(b) of SWBT Tariff FCC No. 73, access minutes may be rated using an SWBT-developed PIU only if "jurisdiction can be

---

<sup>1</sup> Southwestern Bell Telephone Company Tariff FCC No. 73, Section 2.4.1(A)(2)(b), 10<sup>th</sup> revised page 2-38.1.

<sup>2</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996;

determined from the call detail.”<sup>3</sup> Because, as discussed above, jurisdiction cannot be reliably determined from the call detail for wireless-originated calls, SWBT Tariff FCC No. 73 does not permit SWBT to apply a PIU based on calling and called party numbers.

SBC is simply incorrect when it claims that its tariff defines the phrase “where jurisdiction can be determined from the call detail” as referring to *any* call that includes calling and called party telephone numbers in the call detail.<sup>4</sup> In making that claim, SBC takes out of context certain tariff language that states that an “interstate access minute” is an “access minute where the calling number is in one state and the called number is in another state.”<sup>5</sup> SBC completely ignores the fact that the cited definition of interstate access minute applies *only if jurisdiction can be determined from the call detail*, not as a general matter. The cited definition is a parenthetical that comes into play only in those instances in which the PIU is developed by SWBT, which occurs only in those instances in which “jurisdiction can be determined from the call detail.”<sup>6</sup>

---

Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, *First Report and Order*, 11 FCC Rcd 15499, ¶¶ 1043-1044 (1996).

<sup>3</sup> SWBT Tariff FCC No. 73, Section 2.4.1(A)(2)(b), 10<sup>th</sup> Revised Page 2-38.1.

<sup>4</sup> SBC Petition at 3-4.

<sup>5</sup> *Id.* (citing SWBT Tariff FCC No. 73, Section 2.4.1(A)(2)(b)).

<sup>6</sup> SWBT Tariff FCC No. 73, Section 2.4.1(A)(2)(b) (“[W]here jurisdiction can be determined from the call detail, the Telephone Company will bill according to such jurisdiction by developing a projected interstate percentage. The projected interstate percentage will be developed . . . when the Switched Access Service access minutes . . . are measured by dividing the measured interstate terminating access minutes (the access minutes where the calling party is in one state and the called number is in another state) by the total terminating access minutes.”)

Because current technology does not permit SWBT to determine the jurisdiction of a wireless-originated call from the call detail, and because SWBT Tariff FCC No. 73 requires that SWBT apply a customer-supplied PIU when the call details are insufficient to determine jurisdiction, the Commission should grant Global Crossing's petition and deny SBC's petition.

Respectfully submitted,  
MCI, Inc.

/s/ Alan Buzacott

Alan Buzacott  
1133 19<sup>th</sup> Street, N.W.  
Washington, DC 20036  
(202) 887-3204

January 7, 2005