

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

In the Matter of )  
 )  
Rules and Regulations Implementing ) CG Docket 02-386  
Minimum Customer Account Record )  
Exchange Obligations on All Local and )  
Interexchange Carriers )  
  
To: the Commission )

**REPLY COMMENTS OF TDS TELECOMMUNICATIONS CORP.**

The comments filed in this proceeding confirm that mandatory guidelines to govern information exchange between local exchange carriers (“LECs”) are not necessary. Multiple carriers, including both ILECs and CLECs, stated that they have not experienced problems in this area, much less problems significant enough to justify an intrusive, top-down regulatory regime. Even the Regional Bell Operating Companies (“RBOCs”) were in disagreement about whether such a regime is necessary. Without better evidence of a serious problem, TDS Communications Corp. and TDS Metrocom (collectively “TDS”) urge the Commission to refrain from imposing mandatory guidelines.

However, if the Commission nonetheless chooses to adopt mandatory guidelines, it should note the overwhelming consensus among the commenters that the Commission should not impose specific performance standards, formats, or delivery methods upon the information exchanges.

## DISCUSSION

### **I. Mandatory Guidelines Are Unnecessary**

#### **A. The Comments Failed to Demonstrate That a Serious Problem Exists**

The comments illustrated that there is no consensus within the industry that a problem exists in the field of LEC-to-LEC information exchange. Multiple carriers stated that they have not experienced the sort of problems that BellSouth raised in its petition.<sup>1</sup> These comments were consistent with TDS's experience.

In addition, even the comments submitted by parties who claimed there was a problem were at times inconsistent with other commenters and certainly insufficient to justify an intrusive new regulatory regime. For instance, Verizon noted that it had somewhat similar problems, but that they "were not quite as extreme as that described by BellSouth."<sup>2</sup> In addition, BellSouth submitted data showing that, in a five-month period, roughly 85% of the Customer Service Record ("CSR") requests were responded to within "three-to-four" *calendar* days.<sup>3</sup> AT&T, a proponent, however, stated that three-to-five *business* days was a "reasonable response interval[.]"<sup>4</sup>

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<sup>1</sup> Comments of CompTel/ALTS in CG Docket 02-386, at 2 (July 18, 2005) (CompTel/ALTS Comments); Comments of Cox Communications, Inc. in CG Docket 02-386, at 2-3 (July 18, 2005) (Cox Comments); Comments of MCI, Inc. in CG Docket 02-386, at 3-4 (July 18, 2005) (MCI Comments).

<sup>2</sup> Comments of Verizon on Notice of Proposed Rulemaking Concerning LEC-to-LEC Customer Information Exchange Standards in CG Docket 02-386, at 4 (July 18, 2005) (Verizon Comments).

<sup>3</sup> Comments of BellSouth Corporation in CG Docket 02-386, at Exh. 1 (July 18, 2005) (BellSouth Comments). We note that over two-thirds (68%) were responded to within "one-to-two" calendar days.

<sup>4</sup> Comments of AT&T Corp. in CG Docket 02-386, at 11 (July 18, 2005) (AT&T Comments).

Given the lack of both a consensus and sufficient evidence that a problem exists, mandatory guidelines are unnecessary.

B. LEC-to-LEC Migration Raises Wholly Different Issues Than LEC-to-IXC Information Exchanges

Contrary to the assertions of some commenters,<sup>5</sup> adopting mandatory guidelines would not be the “next logical step” following the *IXC Order*.<sup>6</sup> The logic of applying mandatory regulations in the LEC-to-IXC context does not necessarily apply in the context of LEC-to-LEC information exchange, especially in markets involving small and rural LECs. In the IXC/LEC context, the problems associated with information exchange are more universal because changes made to affect a change in a customer’s IXC are carried out via the LEC, not the IXC. That is not the case in the context of LEC-to-LEC information exchange. In fact, to follow upon the comments of Cox Communications,<sup>7</sup> “new” LECs do not even need to obtain certain types of information from the “old” LECs to establish the new service. Indeed, from a business perspective, the new LEC itself presumably will want to establish with its new customer the services and features that she wants.

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<sup>5</sup> BellSouth Comments at 1.

<sup>6</sup> Report and Order and Further Notice of Proposed Rulemaking, *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket 02-386, FCC 05-29 (rel. Feb. 25, 2005) (*IXC Order*).

<sup>7</sup> Cox Comments at 4-5.

C. To the Extent A Problem Exists, the Commission Should Allow the Industry to Address It First

As a number of commenters noted, the industry has already taken steps to address the issue of LEC-to-LEC information exchange.<sup>8</sup> As TDS noted in its prior comments, the Alliance for Telecommunications Industry Solution (“ATIS”) Ordering and Billing Forum (“OBF”) recently developed guidelines intended to facilitate the exchange of customer account information between LECs.<sup>9</sup> The Commission should allow the industry an opportunity to reach consensus on these issues. As Verizon noted in opposing mandatory guidelines, “[n]ow is not the time for the Commission to preempt that process.”<sup>10</sup> We note that if any problems remained unaddressed by the industry, the Commission remains free to address them as they arise in individual cases pursuant to Section 201(b) of the Communications Act or the complaint process.<sup>11</sup>

**II. An Overwhelming Consensus Exists that the Commission Should Not Adopt Specific Performance Standards, Formats, or Delivery Methods**

If the Commission chooses to adopt mandatory guidelines, we urge it to take note of the overwhelming consensus among the commenters that the Commission should minimize the guidelines’ burden and protect carriers’ flexibility. For instance, there was wide consensus among both supporters and opponents of mandatory guidelines that the Commission should not

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<sup>8</sup> Cox Comments at 2; Verizon Comments at 5.

<sup>9</sup> Comments of TDS Telecommunications Corp. in CG Docket 02-386, at 3-4 (July 18, 2005) (TDS Comments).

<sup>10</sup> Verizon Comments at 2.

<sup>11</sup> See CompTel/ALTS Comments at 7.

dictate specific performance standards metrics.<sup>12</sup> There was a similarly wide consensus among the commenters that the Commission should not dictate a specific format or transmission medium for the information to be exchanged.<sup>13</sup> As SBC noted, "LECs should retain the flexibility to decide which formats, codes or transmission medium are best" for information exchange.<sup>14</sup> We agree.

### CONCLUSION

For the reasons stated above, we urge the Commission not to adopt mandatory guidelines. If the Commission chooses to do so, we urge it to take note of the overwhelming consensus that it should avoid imposing specific performance standard metrics, format, and delivery methods.

Respectfully submitted,



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<sup>12</sup> AT&T Comments at 26; BellSouth Comments at 14; CompTel Comments at 8-9; TDS Comments at 6.

<sup>13</sup> BellSouth Comments at ii-iii; CompTel/ALTS, at 6; MCI Comments, at 5; Comments of SBC Communications, Inc. in CG Docket 02-386, at 7-8 (July 18, 2005) (SBC Comments); TDS Comments at 5-6.

<sup>14</sup> SBC Comments at 7.