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EX PARTE MEMORANDUM

June 9, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
445 – 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Review of Wireline Competition Bureau Data Practices, WC Docket No. 10-132; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, CC Docket Nos. 95-20, 98-10*

Dear Ms. Dortch:

By Notice of Proposed Rulemaking (NPRM) released February 8, 2011 in the above-referenced proceedings, FCC 11-15, the Commission has proposed to eliminate the reporting requirements applicable to the Bell Operating Companies (BOCs) concerning comparably efficient interconnection (CEI) and open network architecture (ONA). As justification for the proposal, the NPRM asserts that the Commission “does not rely upon any of these submissions in the course of its decision making,” and that public comments in other proceedings have not opposed their elimination or supported their continuation. (NPRM at ¶9).

However, as pointed out in the reply comments by the Alarm Industry Communications Committee (AICC), the BOCs are not limiting their efforts in this proceeding to eliminating the CEI/ONA *reporting* requirements; rather, they are attempting to have the underlying narrowband CEI/ONA *obligations* eliminated as well. (See AICC Reply Comments at pp. 3-4).

The Association of TeleServices International, Inc. (ATSI) (www.atsi.org) is an international trade association established in 1942 by and for entrepreneurs in the Telephone Answering Services (TAS) business. Referred to as Private Sector Critical Response Centers (PSCRCs) in the modern era, inbound contact centers operated by ATSI members typically are small, locally owned and operated businesses providing a wide variety of human communications services within their local communities. The gross revenues of PSCRCs average on the order of \$550,000 annually, of which approximately 45% go to direct payroll expenses for their employees. ATSI members are domestic companies; they do not employ or operate offshore call centers.

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Entrepreneurial in their approach to business issues, ATSI members offer innovative human solutions to business communications problems and provide essential response services in disaster situations. PSCRCs serve over 1.4 million professional, commercial, not-for-profit, governmental agencies, and local emergency respondent clients, including doctors; emergency response centers; public utilities; public safety offices; local, state, and federal government offices; rape and suicide crisis centers; and Red Cross emergency centers. PSCRC agents, US citizen employees, assist neighbors in some 3.6 billion inbound call transactions annually.

ATSI participated directly and substantially on behalf of the competitive telemessaging industry throughout the Computer III and related proceedings before the Commission, in which the CEI/ONA competitive safeguards were developed. ATSI also participated in the Alliance for Telecommunications Industry Solutions discussions which resulted in some 42 network elements being identified as essential for competitive telemessaging services, most of which subsequently were adopted by the BOCs. Indeed, the CEI/ONA safeguards developed in the Computer III and related proceedings are the foundation of the pro-competitive mandate for telemessaging engraved in Section 260 of the Communications Act (47 U.S.C. §260) by the Telecommunications Act of 1996.

ATSI agrees with AICC that the BOCs are substantially overreaching by attempting to use this proceeding to eliminate CEI/ONA obligations for the legacy TDM network. Whether it is right or wrong that the reporting requirements no longer serve a useful purpose, it is a patent *non-sequitur* to jump from that premise to the conclusion that the underlying CEI/ONA obligations serve no useful purpose. In fact, the narrowband ONA elements generally remain the essential technical foundation for the services provided by ATSI members and other PSCRCs, and likely will remain the essential foundation for a substantial portion of the industry for the foreseeable future. Thus, continued access on reasonable and nondiscriminatory terms to these network elements remains of vital importance to ATSI and its members.

Fairly interpreted, the NPRM proposed only to eliminate the CEI/ONA reporting requirements for the BOCs, not the underlying legal obligations. The Commission therefore should firmly reject the BOCs' requests to eliminate their CEI/ONA obligations altogether.

Respectfully submitted,

s/Kenneth E. Hardman

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