



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1463
Released: June 22, 2001

**COMMON CARRIER BUREAU SEEKS COMMENT ON
AT&T CORPORATION'S REQUEST FOR
DECLARATORY RULING AND CLARIFICATION OF
CHANGES TO THE TOLL-FREE NUMBER
ADMINISTRATION SYSTEM**

NSD File No.: L-01-112
CC Docket 95-155

Pleading Cycle Established

COMMENTS: July 12, 2001

REPLY COMMENTS: July 23, 2001

On December 7, 2000, the Common Carrier Bureau (Bureau) released a letter directing Database Service Management, Inc. (DSMI), which serves as the administrator of the SMS/800 database, to modify the Disconnect Status and Suspend Status functions in the SMS/800 database by February 3, 2001.¹ The *Keller-Wade Letter* explained that the modifications to the SMS/800 database are designed to prevent direct transfers of toll-free numbers between subscribers, which violate the Commission's toll-free regulations, the toll-free number "first come, first served" policy, and the SMS Tariff.² The letter also emphasized that, under the Commission's toll-free regulations, toll-free numbers may remain in Disconnect Status for up to four months; that toll-free numbers must be moved to Spare Status from Disconnect Status; and that numbers subject to a billing dispute may be placed in Suspend Status for up to eight months and may only be changed back to Working Status for the same subscriber.

In response to the *Keller-Wade Letter*, some Responsible Organizations³ asserted that the

¹ Letter from L. Charles Keller, Chief, Network Services Division, to Mr. Michael Wade, President, Database Service Management, Inc., DA 00-2754 (rel. Dec. 7, 2000) (*Keller-Wade Letter*).

² *Id.* at 1-2.

³ A Responsible Organization (RespOrg) administers and manages a toll free subscriber's record(s) in the SMS/800 database. *See* 47 CFR § 52.101(d) (2000).

required adjustments to their internal systems, as well as the necessary testing to ensure compatibility with DSMI's changes, could not be completed by the February 3, 2001 deadline.⁴ Thus, on February 2, 2001, the Bureau directed DSMI to postpone changes to the Disconnect Status and Suspend Status functions until August 6, 2001.⁵

On May 24, 2001, AT&T Corp. (AT&T) filed a petition for a declaratory ruling seeking clarification of the *Keller-Wade Letter*.⁶ AT&T argues that the Bureau's interpretation of the Commission's toll-free regulations in the *Keller-Wade Letter* is incorrect. AT&T also requests that the Commission clarify that certain transfers of toll-free numbers between subscribers are permissible, such as when toll-free numbers are misprinted in marketing materials, and therefore, do not violate the Commission's toll-free regulations.

On June 1, 2001, staff from the Bureau's Network Services Division met with industry representatives (Industry) to discuss a proposed alternative solution, as detailed their May 16, 2001 letter to the Bureau.⁷ In the *May 2001 Letter*, the Industry stated that, unlike the software changes directed in the *Keller-Wade Letter*, the changes in their alternative proposed solution would address the Bureau's concerns without negatively impacting toll-free subscribers.⁸

The Commission therefore seeks comments from interested parties on:

- (1) The issues raised in the *AT&T Petition*;
- (2) The economic impact on businesses of compliance with the *Keller-Wade Letter*;
- (3) Whether another extension of time is needed to comply with the *Keller-Wade Letter*, and, if so, the amount of time required; and
- (4) Alternative solutions for preventing toll-free numbers from being transferred between subscribers.

The *AT&T Petition* and all other submissions regarding the *Keller-Wade Letter* are available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445

⁴ See, e.g., Letter from Henry G. Hultquist, Associate Counsel, WorldCom, Inc., to Magalie Roman Salas, Secretary, dated January 29, 2001 (requesting a six-month delay); Letter from Norina Moy, Director, Federal Regulatory, Sprint, to L. Charles Keller, Chief, Network Services Division, dated December 19, 2000 (concerned that sixty days would be insufficient to test the changes).

⁵ Letter from Staci Pies, Deputy Chief, Network Services Division, to Mr. Michael Wade, President, Database Service Management, Inc., DA 01-292 (rel. Feb. 2, 2001).

⁶ *Request for Declaratory Ruling and Clarification*, filed by AT&T Corporation (*AT&T Petition*).

⁷ Letter from Stephanie Cowart, OBF Moderator, to Diane Griffin Harmon, Network Services Division, dated May 16, 2001 (*May 2001 Letter*).

⁸ *Id.* at 1.

12th Street, SW, Room CY-A257, Washington, D.C. 20554, (202) 418-0270. The *AT&T Petition* and other documents in this proceeding may also be viewed online at the FCC's E-filing System located at http://gulfoss2.fcc.gov/cgi-bin/ws.exe/prod/ecfs/comsrch_v2.hts, by typing 95-155 in the Proceeding Block and clicking on Retrieve Document List. Comments responding to this Public Notice should refer to file number **NSD-L-01-112**. Comments must be filed with the Commission by **July 12, 2001** and Reply Comments by **July 23, 2001**,⁹ and sent to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, D.C. 20554. Two copies of the comments should also be sent to Network Services Division, 445 12th Street, SW, Room 6-A207, Washington, D.C. 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference **CC Docket No. 95-155** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Jennifer Gorny, jgorny@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's ex parte rules. As a "permit but disclose" proceeding, ex parte presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to such proceedings.

Parties making oral ex parte presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information, contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jgorny@fcc.gov. The TTY number is (202) 418-0484.

-FEDERAL COMMUNICATIONS COMMISSION-

⁹ Comments and reply comments are needed as soon as possible because, currently, carriers are required to modify their internal systems by August 6, 2001, in accordance with the *Keller-Wade Letter*.