



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 00-930**  
**April 27, 2000**

**COMMON CARRIER BUREAU SEEKS FURTHER COMMENT ON  
TELEGATE'S PROPOSAL FOR PRESUBSCRIPTION TO  
"411" DIRECTORY ASSISTANCE SERVICES**

**CC DOCKET NO. 99-273**  
**CC DOCKET NO. 98-67**

**Pleading Cycle Established**

**COMMENTS: May 30, 2000**

**REPLY COMMENTS: June 14,  
2000**

## **INTRODUCTION**

In this Public Notice, the Common Carrier Bureau (Bureau) solicits comment on Telegate, Inc.'s ("Telegate") proposal in CC Docket 99-273 that the Federal Communications Commission (Commission) enhance competition in the directory assistance market by requiring local exchange carriers (LECs) to implement presubscription to the N11 code "411." Specifically, we solicit comments on the technical feasibility and economic viability of requiring LECs to implement presubscription to N11 codes in all pertinent proceedings. This includes presubscription to "411" in the directory assistance proceeding, as well as presubscription to "711" for Telecommunications Relay Service (TRS).

## **BACKGROUND**

On September 9, 1999, the Commission released the *Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking* ("Notice").<sup>1</sup> In the *Notice*, the Commission tentatively concluded that competition in the directory assistance market is in the

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<sup>1</sup> *Implementation of the Telecommunications Act of 1996, Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information under the Telecommunications Act of 1934, as Amended, Third Report and Order, CC Docket No. 96-115, Second Order on Reconsideration, CC Docket No. 96-98, and Notice of Proposed Rulemaking, CC Docket No. 99-273, FCC 99-227 (1999) (Notice).*

public interest.<sup>2</sup> However, the Commission also tentatively concluded that competitive directory assistance providers are unable to fully compete without equal access to the local exchange carriers' directory assistance databases.<sup>3</sup> Therefore, the Commission invited comment on whether certain competitive directory assistance providers are providers of telephone exchange service or telephone toll service for the purposes of section 251(b)(3) of the Telecommunications Act of 1996 (the Act). The Commission also sought comment on whether competitive directory assistance providers that are not providers of telephone exchange service or telephone toll service are entitled to nondiscriminatory access to directory assistance, including access to directory assistance databases.<sup>4</sup>

On October 13, 1999, Telegate filed comments in response to the *Notice*. In its comments, Telegate proposed opening up "411" to competition by allowing customers to choose their provider of directory assistance service, just as they can choose their primary interexchange carrier for long distance services. No reply comments were filed in response to this portion of Telegate's comments.

On February 9, 2000, Telegate met with Bureau staff members to discuss the Telegate "411" presubscription proposal. At the Bureau's suggestion, on March 10, 2000, Telegate filed an *ex parte* illustrating, in further detail, its "411" presubscription proposal.<sup>5</sup> On March 28, 2000, Telegate again met with Bureau and Office of Engineering and Technology staff to discuss Telegate's *ex parte* and proposal.

## DISCUSSION

On the basis of Telegate's comments and Telegate's *ex parte* presentations in CC Docket 99-273, the Bureau first solicits comments on the economic viability and technical feasibility of the Telegate "411" presubscription proposal.

Telegate asserts that "411" presubscription is technically feasible for directory assistance using the Signaling System 7 (SS7) network, and Advanced Intelligent Network (AIN) features already deployed nationwide.<sup>6</sup> The Bureau seeks comment on this assertion, both concerning whether presubscription to "411" can be implemented in the manner proposed by Telegate, and also whether the AIN features necessary to implement Telegate's proposal are in fact already deployed on a nationwide basis. Telegate also asserts that the adoption of its proposal would require a "modest investment" in upgrading the SS7 infrastructure.<sup>7</sup> The Bureau seeks comment on Telegate's assertion and also to the extent to which any commenting party believes that AIN features and functionalities (both hardware and software) would have to be expanded or augmented to implement Telegate's "411" presubscription proposal (*e.g.*, by the addition of new Service Control Points to accommodate the "411" database.)

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<sup>2</sup> *Id.* at para. 183.

<sup>3</sup> *Id.* at para. 190.

<sup>4</sup> *Id.* at para. 184.

<sup>5</sup> Letter with attachments from Kelly Cameron, Powell, Goldstein, Frazer, and Murphy LLP, on behalf of Telegate, Inc., dated March 10, 2000 (Telegate March 10 *ex parte*).

<sup>6</sup> Telegate March 10 *ex parte* at 12-14.

<sup>7</sup> *Id.* at 14.

Telegate also asserts that the implementation of “411” presubscription as set forth in the Telegate March 10 *ex parte* is economically viable for directory assistance, and estimates that the total cost of implementing its proposal would be less than 23 million dollars with an ongoing annual expense of 7.1 million dollars<sup>8</sup>. Telegate also estimates a one-time cost of \$ 0.11 per subscriber for the implementation of “411” presubscription for a market that Telegate estimates to be 3.3 billion dollars a year.<sup>9</sup> The Bureau seeks comment on these assertions. The Bureau also requests comment on the total cost of implementing the Telegate “411” presubscription proposal, based upon a general breakdown of itemized costs that would provide a reasonable foundation for such estimates. Further, the Bureau requests comment on how much of the total estimated cost should be passed onto consumers and in what manner should consumers be charged.

Telegate suggests that “411” presubscription should be implemented via a balloting procedure.<sup>10</sup> The Bureau also seeks comment on whether balloting would be the most equitable and procompetitive manner of implementing “411” presubscription; or whether there is a better alternative to balloting. If the Commission were to require the implementation of “411” presubscription, how else should customers be allocated initially to competing directory assistance providers? The Bureau also seeks comment on whether a lower cost alternative to “411” presubscription to open the directory assistance market to competition would be to require the provision of directory assistance services by all competing entities through “1010” access codes and earmark the “411” code for purposes other than directory assistance. We seek comment on the consumer impact and public interest implications of such an alternative.

In its proposal, Telegate does not address whether a directory assistance database administrator would be necessary to maintain the correct correlation between customers and their presubscribed directory assistance providers, or to ensure that the telephone numbers in the database are kept up-to-date. The Bureau seeks comment on whether such an administrator would be necessary and how such an administrator would be chosen. Further, the Bureau seeks comment on the potential cost of a directory assistance administrator, particularly any costs associated with customer changes of directory assistance . Finally, the Bureau seeks comment on the technical feasibility and economical viability of similarly implementing presubscription to other N11 codes, such as 711 access to TRS, and whether it would serve the public interest to provide presubscription to other N11 numbers.

Interested parties may file comments concerning this matter on or before May 30, 2000, and reply comments on or before June 14, 2000. All filings must reference Docket Nos. 99-273 and 98-67. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12th Street, S.W., Room 6A-320. Washington, D.C. 20554.

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<sup>8</sup> *Id.* at 14.

<sup>9</sup> *Id.* at 15.

<sup>10</sup> *Id.* at 16-18.

A copy of the comments filed in FCC 99-273, including the Telegate March 10 *ex parte*, may be obtained during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C., 20554, (202) 418-0267 or through the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, N.W., Washington, DC 20036, at (202) 857-3800 (voice/TRS) (202) 293- 8810 (TTY), (202) 857-3805 (fax), or [service@itsdocs.com](mailto:service@itsdocs.com) (e-mail). Copies of the comments and the Telegate March 10 *ex parte* may also be obtained from the Internet via the FCC's Electronic Comment Filing System (ECFS) at [http://izzy.fcc.gov/prod/ecfs/s\\_a/](http://izzy.fcc.gov/prod/ecfs/s_a/). Parties interested in obtaining the comments from the ECFS should use the docket number "99-273" as the search term.

For further information contact Robin Smolen of the Common Carrier Bureau, Network Services Division, at (202) 418-2353 (voice) or [rsmolen@fcc.gov](mailto:rsmolen@fcc.gov), or Dennis Johnson of the Common Carrier Bureau, Network Services Division, at (202) 418-0809 (voice) or [dcjohnson@fcc.gov](mailto:dcjohnson@fcc.gov). The TTY number is (202) 418-0484.

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