

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 95-388

In the Matter of)
)
Policies and Rules Concerning) CC Docket No. 94-129
Unauthorized Changes of Consumers')
Long Distance Carriers)

ORDER

Adopted: September 1, 1995;

Released: September 5, 1995

By the Commission:

1. AT&T Corporation ("AT&T") has filed a motion¹ requesting a stay of our Report and Order² in the above-captioned proceeding insofar as that decision extends the primary interexchange carrier ("PIC") verification requirements contained in Section 64.1100 of our rules³ to consumer-initiated calls to interexchange carriers ("IXCs").⁴ AT&T, with its motion, does not propose a change in any of the new rules and policies adopted in the Report and Order. Rather, AT&T requests that we stay application of those rules and policies that apply to the inbound call PIC verification requirements, scheduled to take effect September 11, 1995. AT&T requests that the stay remain in effect until the Commission rules on the issues raised in its petition for limited reconsideration filed contemporaneously with its motion for stay.⁵ MCI Telecommunications Corporation (MCI) and Sprint Communications Company (Sprint) have filed

¹ AT&T Motion to Stay, filed August 4, 1995.

² Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129, FCC No. 95-225, Report and Order, 60 FR 35846, July 12, 1995 ("Report and Order").

³ 47 C.F.R. § 64.1100.

⁴ See Report and Order at para. 41.

⁵ AT&T Petition for Limited Reconsideration, filed August 4, 1995.

comments in support of AT&T's motion⁶ and have also filed their own petitions for reconsideration challenging, inter alia, the inbound-call PIC verification requirements.⁷

2. We will, on our own motion, stay our Report and Order insofar as it extends the PIC verification requirements set forth in Section 64.1100 of our rules to consumer-initiated calls. We believe the public interest would best be served by ruling on the issues raised in the pending petitions for reconsideration before requiring affected parties to take actions to comply with the PIC verification requirements at issue. We are persuaded that temporarily staying the PIC verification requirements as they pertain to consumer-initiated calls will allow the Commission to develop a complete record upon which we can conduct a meaningful cost-benefit analysis and make a more informed decision.⁸ Further, we believe a brief stay will be less disruptive to consumers and industry than allowing the requirements to take effect before the issues raised by AT&T, MCI and Sprint are fully resolved. Because we anticipate prompt action on the petitions for reconsideration, we believe that no parties will be adversely affected by a temporary delay in extending the PIC verification rules to customer-initiated calls. This consumer-initiated or inbound telemarketing provision is the only component of the Commission's new slamming rules stayed by this Order. All other rules governing letters of agency and consumer liability will take effect September 11, 1995. The stay shall remain in effect until we rule on the petitions for reconsideration.

3. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.103(a) of the Commission's Rules, 47 C.F.R. § 1.103(a), that the effective date of the Report and Order issued in the above-captioned proceeding IS STAYED to the extent such Report and Order extends the PIC verification requirements contained in Section 64.1100 of our rules to consumer-initiated calls to IXCs. This stay shall remain in effect until such time we rule on the related issues raised by AT&T, MCI and Sprint in their petitions for reconsideration.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

⁶ See Comments of MCI and Sprint in support of AT&T's Motion for Stay, filed August 11, 1995.

⁷ Petitions for Reconsideration filed August 11, 1995, by MCI and Sprint.

⁸ In this regard, we note that in the notice and comment phase of this proceeding, few parties among the 46 or so that participated submitted detailed comments on our proposal to extend PIC verification requirements to consumer-initiated calls. While we anticipated that interested parties would have addressed their concerns to us at that time, we believe that the issues now raised by AT&T, MCI and Sprint are substantial and are best resolved with the benefit of additional information and arguments.