

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

PUBLIC NOTICE

Released: January 31, 1996

AAD 95-134

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**"PERMIT BUT DISCLOSE" EX PARTE RULES
APPLIED TO NECA'S PETITIONS FOR
AUTHORIZATION TO ASSIST CARRIER(S) WITH
TOLL MARKET SHARE INFORMATION AND FOR
AUTHORIZATION TO ENGAGE IN ADDITIONAL
ACTIVITIES**

The National Exchange Carrier Association, Inc. ("NECA") has filed two petitions pursuant to Section 69.603(a) of the Commission's rules to engage in certain activities in addition to those presently authorized by the Commission. In the first of these petitions ("TMS petition"), filed on August 2, 1995, NECA requests authorization to assist the NYNEX Telephone Companies ("NYNEX") with the development of initial toll market share ("TMS") information for use by NYNEX in its periodic, long-term-support payment billing of interexchange carriers operating in LATA 132 and to assist other exchange carriers should they obtain Commission approval for similar long-term-support billing arrangements.¹ On September 25, 1995, the Common Carrier Bureau ("Bureau") issued a Public Notice inviting interested parties to comment on NECA's request and assigned it file number AAD 95-134.² On October 19, 1995, MCI Telecommunications Corporation ("MCI") filed a formal opposition to NECA's TMS petition.

In its second petition ("additional activities petition"), filed on September 7, 1995, NECA seeks authorization to assist international entities, to conduct telecommunications-related training, to evaluate potential Category II services as well as services incidental to its Category I operations, and to allow its nonregulated affiliate, Independent NECA Services, Inc., to provide agent and administrative services for customized marketing programs and related information for exchange carriers to use in marketing their services and other third-party vendor services.³ On September 25, 1995, the Bureau issued a Public Notice inviting interested parties to comment on NECA's request and assigned it file number AAD 95-135.⁴ On October 12, 1995, MCI filed a formal opposition to NECA's additional activities petition.

Although the Commission's rules treat formally opposed petitions for additional authorization pursuant to Section 69.603(a) as restricted proceedings, 47 C.F.R. §§ 1.1202(d), 1.1208(c)(1)(ii)(D), the Bureau may, where the public interest so requires, modify that status by Public Notice.⁵ We have determined that permitting ex parte presentations, so long as they are disclosed in accordance with Section 1.1206 of the Commission's rules, will serve the public interest by facilitating the complete development of the record in each of these proceedings. Pursuant to Sections 0.91, 0.291, and 1.1200(a) of the Commission's rules, we therefore issue this Public Notice of our decision to conduct the TMS petition proceeding and the additional activities petition proceeding subject to the "permit but disclose" ex parte rules of Section 1.1206.

For further information contact Clara Kuehn at (202) 418-0844 or John V. Giusti at (202) 418-0878.

By the Chief, Accounting and Audits Division

FEDERAL COMMUNICATIONS COMMISSION

¹ Letter from Robert E. Lloyd, Vice President, Government Relations, NECA, to William F. Caton, Acting Secretary, FCC (filed Aug. 2, 1995). Local Access and Transport Area ("LATA") 132 includes New York City, the counties of Nassau, Putnam, Rockland, Suffolk, and Westchester, and small portions of several nearby counties.

² National Exchange Carrier Association Files Petition for Authorization to Assist Carrier(s) with Toll Market Share In-

formation, *Public Notice*, 10 FCC Rcd 10781 (1995).

³ Letter from Bruce W. Baldwin, President, NECA, to William F. Caton, Acting Secretary, FCC (filed Sept. 7, 1995).

⁴ National Exchange Carrier Association Files Petition for Authorization to Engage in Additional Activities, *Public Notice*, 10 FCC Rcd 10782 (1995).

⁵ 47 C.F.R. §§ 0.91, 0.291, 1.1200(a).