MCI WORLDCOM, INC.

COMMONWEALTH OF MASSACHUSETTS

D.T.E. 99-105

Respondent: Mindy J. Chapman

Position: Director, LEC Interface Operations

REQUEST: Department of Telecommunications and Energy, Record Requests

DATED: April 14, 2000

ITEM: AG-RR-2 If the Department were to approve the tariff for LSPF, and if the Department were to require Bell Atlantic to send out a billing insert, would MCI WorldCom have any objection to using a bill insert similar to the one that is displayed in Exhibit AG-1? If there is an objection, what are the concerns that MCI WorldCom would have with that?

REPLY: MCI WorldCom agrees that in certain circumstances the use of billing inserts as a means of educating consumers is an appropriate method of communication. However, because local service slamming is a "problem" that does not exist, a billing insert on the subject would unduly heighten consumer fears of the prospect of being "slammed." Indeed, because it is an emotionally charged topic, any billing insert on the subject of "local slamming," no matter how carefully crafted, would almost necessarily invoke an alarmist reaction from at least some of the consumers who read it. This, of course, would be a marketing coup for Bell Atlantic, which would undoubtedly get a wave of LSPF request calls from consumers who have been incited to act out of a sense of fear that the billing insert itself manufactured. Thus, Bell Atlantic, an entrenched monopolist, would be given the means to protect its market share at a time when competition has not even gotten off the ground.

A critical component of MCI WorldCom's objection to LSPF is that it would be

virtually impossible for Bell Atlantic to administer LSPF in a competitively neutral manner. Although a billing insert informing consumers of an available "protective" measure might otherwise be viewed as an educational public service, it is undeniable that in the context of LSPF, any action that puts "local slamming" in the public's mind will result in a direct benefit to Bell Atlantic because the practical effect of LSPF will be that consumers who sign up for LSPF, and who later wish to take their business elsewhere, are delayed in doing so or do not do so at all out of frustration with the LSPF removal process. Because a billing insert would do more harm than good, MCI WorldCom objects to the use of a billing insert in the event Bell Atlantic's tariff is adopted.

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ITEM: AG-RR-3 Assuming the Department ordered and approved Bell Atlantic's LSPF tariff, would MCI WorldCom object to a delayed implementation of LSPF for 90 to 120 days following the issuance of the order, during which time Bell Atlantic would develop and implement procedures that would allow a customer's CSR (or some other mechanism for communicating real-time information to CLECs) to reflect whether LSPF exists on a number or account?

REPLY: Assuming the Department ordered and approved of Bell Atlantic's LSPF tariff over MCI WorldCom's objections, MCI WorldCom would not object to its delayed implementation for the purpose of establishing some mechanism by which it could obtain real-time access to the LSPF status of potential MCI WorldCom customers. However, a premise of this question is that the LSPF tariff is approved before Bell

Atlantic figures out how to implement the system modification suggested by the Attorney General. Were Department approval of the tariff to hinge on Bell Atlantic's ability to supply the data in question, then Bell Atlantic's ability to supply the data should be established and independently verified before the tariff is approved.

Moreover, MCI WorldCom wishes to stress that access to such information will not eliminate the anticompetitive effects of having LSPF. Consumers who previously implemented LSPF on their accounts and who wish to switch to MCI WorldCom (or any other CLEC) will still be frustrated and inconvenienced by the process of removing the freeze. As a result (and as demonstrated by MCI WorldCom's experience with provider freezes in the inter-LATA and intra-LATA markets), a significant portion of consumers wishing to migrate away from the incumbent carrier will ultimately fail to do so or be delayed in doing so because of the barrier created by the freeze. Indeed, the number of Massachusetts consumers who are harmed by LSPF, namely those whose carrier choice is delayed or denied by virtue of the existence of LSPF, will likely far outpace the entirely speculative consumer population who would actually benefit from LSPF, namely those consumers whose local service would have been switched without their authorization but for the existence of LSPF on their account.

In addition, another implicit premise of the question is that the lack of real-time LSPF information on a CSR is the only technical issue that would need to be addressed prior to implementation. Yet Bell Atlantic's own witness acknowledged that he did not know what effect the tariff would have on DSL line sharing, and Bell Atlantic does not currently have the technical capability of implementing LSPF for UNE-P. If the Department ultimately decides to approve LSPF, it should only be after any and all technical or administrative issues relating to its implementation are resolved.

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ITEM: AG-RR-5 With respect to the billing insert marked as Exhibit AG-1, to the extent that MCI WorldCom finds the language of the billing insert objectionable, please provide suggested alternate language. Alternatively, if a bill insert of any kind is itself objectionable, state the nature of the objection.

REPLY: For the reasons stated in response to AG-RR-2, MCI WorldCom objects to the use of a billing insert in the event Bell Atlantic's LSPF tariff is approved by the Department.