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By Hand Delivery

Senator Kay Bailey Hutchison
284 Russell Senate Office Building
Washington, DC 20510

Dear Senator Hutchison:

On behalf of hundreds of directory publishers, I am writing to alert you to a concern with S.2686, the “Communications, Consumer’s Choice, and Broadband Deployment Act of 2006.” The Yellow Pages Association is the trade organization for a print and digital media industry valued at more than \$26 billion worldwide (\$14 billion in the U.S.). Association members include Yellow Pages publishers such as Verizon SuperPages, AT&T Yellow Pages and BellSouth’s The Real Pages as well as more than 100 smaller, independent publishers. Our members produce products that account for nearly 90 percent of the Yellow Pages revenue generated in the U.S. and Canada.

Specifically, section 214 of the bill creates new section 715 of the Communications Act. In that new section, VoIP providers are granted the same section 251 and section 252 rights, duties, and obligations as other telecommunications carriers.

Since the enactment of the Telecommunications Act of 1996, telecommunications carriers have been subject to section 222(e). Section 222(e) reads:

Notwithstanding subsections (b), (c), and (d) of this section, a telecommunications carrier that provides telephone exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format.

Subscriber list information is later defined in section 222(h) as “any information-- (A) identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and (B) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.”

Our request is that, should VoIP providers be granted rights under section 251 that they should also be subject to the requirements of section 222(e). Today, if an incumbent local exchange

carrier or a competitive local exchange carrier either publishes a directory, or allows someone else to use their subscriber list information to publish a directory, the carrier is subject to section 222(e). Other directory publishers would then have access to that information at nondiscriminatory and reasonable rates, terms, and conditions. Accurate and complete listings are the lifeblood for all directory publishers, whether the listings appear in print or electronic directories.

Today VoIP providers are not subject to section 222(e), as they are not telecommunications carriers. Should Vonage, for example, decide to publish its own directory or provide those listings to a third party for the purpose of publishing a directory, Vonage would not be required to provide those listings to other directory publishers. This could create an uneven playing field for directory publishers and a confusing environment for consumers.

One of our industry's main goals is to ensure that subscribers of landline, VoIP and mobile services are able to maintain their listing in a directory, if they have a desire to do so. The directory industry has found that section 222(e) has led to wider availability of listings, and helped create a more vibrant and competitive directory industry.

Knowing the heightened Congressional concern with consumer privacy, please note that the definition of subscriber list information excludes unpublished numbers. As always, we believe that consumers should have the right to not publish their phone numbers, and that right should also translate to consumers who leave the traditional wireline phone system.

For the above reasons, should Congress determine that VoIP providers are permitted the rights of interconnection and access to phone numbers under section 251, we respectfully request that you also require that VoIP providers be subject to section 222(e). Please do not hesitate to contact me should you have any questions regarding this matter.

Best regards,



Neg Norton