

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

In the Matter of	)	
	)	
Ameritech Services	)	Transmittal No. 1430
Tariff F.C.C. No. 2	)	
	)	
Nevada Bell Telephone Company	)	Transmittal No. 84
Tariff F.C.C. No. 1	)	
	)	
Pacific Bell Telephone Company	)	Transmittal No. 187
Tariff F.C.C. No. 1	)	
	)	
Southern New England Telephone Company	)	Transmittal No. 843
Tariff F.C.C. No. 39	)	
	)	
Southwestern Bell Telephone Company,	)	Transmittal No. 3022
Tariff F.C.C. No. 73	)	

**PETITION TO REJECT, OR, IN THE ALTERNATIVE,  
TO SUSPEND AND INVESTIGATE**

VarTec Telecom, Inc. (“VarTec”), pursuant to Section 1.773 of the Commission’s rules, 47 C.F.R. § 1.773, submits this petition to request that the Commission reject, or, in the alternative, suspend for the full five-month period set forth in Section 204(a) of the Communications Act, as amended (“Act”), 47 U.S.C. § 204(a), and conduct an investigation of the tariff revisions filed on December 13, 2004, by the above-captioned SBC Communications operating telephone companies (collectively, “SBC”). SBC’s proposed revisions are unjust and unreasonable in violation of Section 201(b) of the Act, and they are impermissibly vague in violation of Section 61.2 of the Commissions rules, 47 C.F.R. § 61.2. In support hereof, VarTec states as follows:

Section 61.2 of the Commission’s rules requires that, “in order to remove all doubt as to their proper application, all tariff publications must contain clear and explicit explanatory

statements regarding the rates and regulations.” SBC’s proposed tariff revisions do not contain “clear and explicit explanatory statements” regarding billing disputes as required under the FCC’s rules. SBC proposes to amend its F.C.C. Tariffs to include a new Section 2.5.3(B)(2) regarding billing disputes. That section provides, in relevant part, that “[i]f the dispute is decided to be in favor of the Telephone company, then the resolution date will be the date upon which a written decision on this dispute is received by the customer.”

The proposed tariff language does not provide any explanation regarding the standards that must be satisfied before SBC can send a written decision stating that the dispute has been resolved by SBC in favor of SBC. The lack of such standards would permit SBC to be completely arbitrary in resolving billing disputes. Furthermore, other than the suggestion that a written decision will be sent to the customer, the proposed language does not provide for any procedures or deadlines that must be followed by SBC when processing such disputes.

Once SBC’s written decision is received by its customer, the proposed tariff would permit SBC to demand deposits, collect interest on amounts that SBC’s customer considers to be in dispute, disconnect the customer for non-payment, and/or refuse additional orders and refuse to comply with pending orders for service orders. Customers would have no recourse as the resolution of a billing dispute lies solely within SBC’s discretion.

## **CONCLUSION**

Wherefore, for the foregoing reasons, the Commission should reject, or in the alternative, suspend and investigate SBC’s tariff filing.

Respectfully submitted,

/s/ Michael G. Hoffman  
Michael G. Hoffman, Esq.  
Executive Vice President and

Chief Legal Officer

VarTec Telecom, Inc.  
2440 Marsh Lane  
Carrollton, Texas 75006  
Tel: (214) 424-1000  
Fax: (214) 424-1501

Date: December 20, 2004

**CERTIFICATE OF SERVICE**

I, Michael G. Hoffman, hereby certify that on this 20th day of December, 2004, a true and correct copy of the foregoing Petition was served via facsimile and U.S. first class mail, postage prepaid, on the following:

A. Alex Vega, Area Manager – Tariff Administration  
Four Bell Plaza  
Room 1970.04  
Dallas, Texas 75202  
Fax: (214) 858-0639

/s/ Michael G. Hoffman  
Michael G. Hoffman