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August 26, 1991

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Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: AOR 1991-26

Supplement to
AOR 1991-26

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Dear Mr. Noble:

This letter is written at the request of your Office to supplement the Advisory Opinion Request submitted on behalf of the Versatel Corporation and designated Advisory Opinion Request 1991-26. Specifically, we have been asked to provide further information concerning the statement at pages 3-4 of the Request that

Versatel would receive from the client (the party with whom Versatel contracts) the magnetic tapes of the telephone numbers from which calls were placed, along with a transcription of any taped audio messages which may have been made by the service bureau identifying the callers. Versatel also, as part of its service package, would purchase the Billing Name and Address (BNA) information necessary to match the telephone numbers to the callers' names and addresses.

It may be helpful at the outset to summarize Versatel's billing mechanism. Clients (most likely long distance service providers, but conceivably service bureaus as well) will contract with Versatel for billing services. These clients will provide to Versatel a tape of numbers from which calls were made, and indicate the amount to be billed for each call. Versatel will only bill for those calls, from those numbers, contained on the tape.

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I. "BNA"

Versatel, as a billing service, already has negotiated and has in place agreements with local telephone companies whereby Versatel can obtain from those companies the Billing Name and Address ("BNA") of their customers. The cost of Versatel's purchase of the BNA is included in its billing charge to its clients. Generally, only long distance carriers, or companies such as Versatel who bill for those carriers, can purchase BNA service agreements from the local telephone companies. These agreements allow Versatel to obtain the name and address of the billing customer at each telephone number served by the local telephone company (including "unlisted" numbers). In return, Versatel agrees to pay a fee to the local telephone company for each use of this service, to meet certain confidentiality provisions, and only to use this service for the billing of calls made through a long distance carrier.

This BNA service, in which a local telephone company provides a name and address for all numbers in an area, is completely different from other methods of obtaining billing names and addresses (such as "reverse directory") which use data bases other than the local telephone companies' billing records. Reverse directory and similar sources for names and addresses are used by service bureaus and others who are not billing services for long distance carriers and, therefore, do not have or cannot obtain BNA agreements with local telephone companies.

II. "Audio Tapes"

Consistent with previous Advisory Opinion Requests, Versatel understands that service bureaus have the ability to transcribe audio messages. In the event that a service bureau has used a system which utilizes audio or touch tone responses and has transcribed those responses, Versatel anticipates that it may receive those tapes. However, Versatel has no advance knowledge that any particular service bureau will utilize such audio technology.

Versatel wants to clarify that this is an option or enhancement which may be available to it, but which Versatel does not require in order to render this billing service. However, should Versatel contract with a service bureau, the service bureau will have the option of providing the transcription to Versatel, if

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the bureau has utilized audio or touch tone technology in its calling services. If, however, as anticipated, Versatel contracts directly with the long distance carrier, (rather than with a service bureau), then in order to obtain any such transcription the service bureau would have to provide it to the long distance carrier pursuant to an agreement between those two entities, and the long distance provider would then provide it to Versatel.¹ If the long distance carrier does not have access to the audio tapes, or the service bureau did not utilize audio recording technology, then Versatel will render its services without this supplemental material.

In any case, the information on such tapes is not required for Versatel to obtain the billing name and address of the calling number (because Versatel has access to BNA), and would, therefore, only be used to enhance the amount and quality of other data available concerning the contributors. Such information (while of potential value to Versatel's clients) is not necessary for Versatel to perform the services outlined in AOR 1991-26, because Versatel will use BNA and Versatel's own billing form for those purposes.

I trust this clarifies any questions about the billing service which Versatel intends to offer.

Sincerely,



Jan Witold Baran

¹ In the alternative, the long distance provider may arrange for the service bureau to provide the transcription directly to Versatel, but this would still be pursuant to an arrangement between those two entities.