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May 19, 1999



Office of the Secretary
Federal Trade Commission
6th and Pennsylvania Avenue, N.W.
Room 159
Washington, D.C. 20580

Re: Pay-Per-Call Rule Review – Comment
FTC File No. R611016

Dear Sir or Madam:

Atlantic Tele-Network, Inc. ("ATN"), by its attorneys, writes to reiterate that there is no support on the record for the Federal Trade Commission's ("Commission") proposal to expand the definition of "pay-per-call" services to include "011" international audiotext services.

The majority of parties who addressed the issue substantively in their comments oppose expanding the definition of "pay-per-call" services to include "011" international audiotext services. None of the comments contain facts to suggest that international audiotext services are similar to pay-per-call services, or that "011" international audiotext services are "susceptible to the unfair and deceptive practices" that are prohibited by section 201(a) of the Telephone Disclosure and Dispute Resolution Act of 1992 ("TDDRA").

The Commission has not placed any consumer complaints on the record, and it has not responded to all requests for such information filed by commenters pursuant to the Freedom of Information Act. *See, e.g.*, Comments of The International Audiotext Committee, FTC File No. R611016, 3-4 (filed March 10, 1999) (detailing unsuccessful attempts to obtain information from the Commission about complaints involving international audiotext services). To the extent the Commission wishes to rely upon consumer complaints to support the proposed

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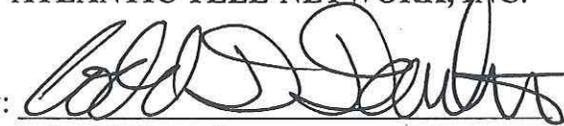
rules, it must first place the complaints on the public record and give parties a reasonable time to comment thereon.

In sum, the record is devoid of any facts to suggest that "011" international audiotext services are both similar to pay-per-call services and susceptible to the same unfair and deceptive practices that are prohibited by Section 201 of the TDDRA. Therefore, the Commission does not have the authority to reclassify "011" international audiotext services as pay-per-call services. *See* Section 701(b)(1) of the Telecommunications Act of 1996. *See also*, e.g., Comments of ATN, FTC File No. R611016, 10-26 (filed March 10, 1999) (explaining the rulings the FTC must make based on an evidentiary record before expanding the definition of pay-per-call services).

Respectfully submitted,

ATLANTIC TELE-NETWORK, INC.

By:



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