

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 61 of the)
Commission's Rules to Require)
Quality of Service Standards)
in Local Exchange Carrier)
Tariffs)

RM-7967
AAD 92-39

**COMMENTS OF THE INDEPENDENT DATA
COMMUNICATIONS MANUFACTURERS ASSOCIATION, INC.**

The Independent Data Communications Manufacturers Association, Inc. ("IDCMA"), by its attorneys, hereby responds to the Joint Petition for Rulemaking filed on April 6, 1992, by the International Communications Association ("ICA") and the Consumer Federation of America ("CFA"). These parties ask the Commission to consider the need for requiring local exchange carriers ("LECs") to include their internal quality-of-service standards in their interstate tariffs. IDCMA strongly supports the proposal submitted by ICA and CFA and urges the Commission to initiate the requested rulemaking without delay.

I. INTRODUCTION AND INTEREST OF IDCMA

As the name indicates, IDCMA is comprised of companies that manufacture and market equipment used for computer (data) communications. The equipment includes modems, digital data sets, multiplexers, network management

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systems, and a variety of related products. IDCMA's members have a strong interest in the availability of high-quality transmission facilities, which are essential for accurate, reliable transmission of information. IDCMA has steadfastly supported efforts to maintain and improve the quality of essential network services.

II. THE REQUESTED RULEMAKING SHOULD BE IMPLEMENTED PROMPTLY.

It has become a cliché to refer to the present era as the Information Age. The description, though trite, is accurate. Businesses and consumers alike must absorb, process, and manage ever-escalating amounts of information. To do so, they must rely increasingly on transmission services to bring them information and to make it possible for them to transmit information to others.

In the business environment, the pace of data transfers has increased at a dizzying pace over the past decade, and the trend is still accelerating. Ten years ago, high-end modems allowed for data transmission at 9600 bits per second ("bps"), and a relatively small number of sophisticated businesses used digital data service allowing for transport at 56,000 bps or, in a few cases, at T-1 speeds (one and one-half million bps). Today, T-1 circuits are commonplace, many companies are using DS-3 (45 million bps), OC-1 (52 million bps), and FDDI (100-125 million bps)

services, and a few pioneers are migrating or planning to migrate to OC-3 (155 million bps) and even OC-12 (622 million bps) speeds. Even the lowly modem, whose death was predicted with confidence by some experts in the late 1970s, is now delivering performance at speeds up to 115,000 bps.

As transmission speeds increase, the need for quality -- end-to-end quality -- grows ever more acute. Operation at high speeds requires very high-technology customer-premises equipment ("CPE"), which is supplied by a large number of innovative manufacturers operating in a robustly competitive market. It requires reliable long distance transmission services, delivered by carriers which are becoming increasingly responsive to user needs as that market grows more competitive. It also requires that local exchange carriers provide comparable performance for the critical "last mile" links between users and interexchange carriers' points of presence.

Because they are largely immune from competitive market forces, local exchange carriers have not been fully responsive to users' needs, in quality and in other respects. They have been relatively slow to deliver new services, such as fractional T-1, that will allow for more economical operation. On occasion, they have engaged in strategic pricing, overcharging for certain high-capacity services to depress demand for efficiency-enhancing

approaches to information transport. They have delayed in deploying new architectures that let users acquire only the network piece-parts they need. And they have not shown much eagerness for improved regulatory oversight of the quality of the services they do offer.

Meanwhile, the Commission has replaced rate-of-return regulation with price cap regulation, thereby creating incentives for LECs to compromise on network quality to the extent they can do so without depressing demand. Users, equipment manufacturers, and others have urged the Commission to take a more active role in monitoring network quality, but to date little has been done. Now, several much-publicized network outages have placed network quality in the spotlight. But, as CFA and ICA rightly observe, network quality is not a binary matter (that is, where something either works or it doesn't); service degradation also affects throughput. It can also serve as an early warning of impending circuit failure.

The present situation calls for leadership. The House Subcommittee on Telecommunications and Finance ("Subcommittee") has demonstrated its leadership by compiling a substantial body of information about the LECs' existing quality-of-service standards. CFA and ICA have demonstrated leadership by taking the Subcommittee's work and showing how it can readily be made to serve as a basis

for tariffed quality-of-service standards. The Commission now should assert its leadership, by moving swiftly to respond to CFA's and ICA's request for rulemaking.

The limited actions requested in the Joint Petition should be adopted as soon as possible. Although some LECs can be expected to claim that adoption of the proposal would be burdensome, in truth the proposal set forth by CFA and ICA is modest indeed. It does not cover all transmission parameters relevant to successful data transmission; it merely focuses on the most critical parameters as to which the LECs' own internal standards have been collated by the Subcommittee. It does not cover all services; analog private lines are omitted, as are switched digital services. Nor does the petition cover all carriers; users require quality in services obtained from both interexchange carriers and local exchange carriers, but the petition covers only the latter.

Relevant parameters of service are already established for the carriers' own internal purposes. Surely no harm can come from making those standards public, through inclusion in LEC tariffs. Tariffing of standards can help to discourage carriers from taking actions that will degrade network quality. Tariffed quality standards can also provide some protection against discrimination by carriers.

In addition, tariffed standards can facilitate CPE design, by limited the range of transmission parameters that must be accommodated. Finally, a requirement for tariffed standards may provide some stimulus for competition in local exchange services, or encourage LECs to better their performance.

This is an excellent opportunity for the Commission to show that it is capable of heeding legitimate concerns of users. A notice of proposed rulemaking, along the lines requested, should be drafted and adopted promptly.

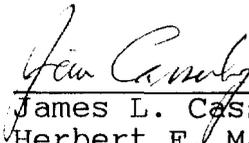
III. CONCLUSION

For the reasons stated above, IDCMA supports the Joint Petition submitted by CFA and ICA. The Commission should act promptly to initiate a rulemaking to establish tariffed quality of service standards without further delay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

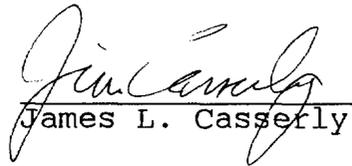
I hereby certify that copies of the foregoing
"Comments of the Independent Data Communications
Manufacturers Association, Inc." were served this 22th day
of June, 1992, by first class, postage prepaid mail, upon:

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