

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

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In the Matter of

Verilink Corporation's Petition for
Rulemaking to Amend the Commission's
Part 68 Rules to Authorize Regulated
Carriers to Provide Certain Line
Build Out Functionality as a Part
of Regulated Network Equipment on
Customer Premises

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-8158

REPLY COMMENTS OF THE NYNEX TELEPHONE COMPANIES

The NYNEX Telephone Companies, New England Telephone and Telegraph Company and New York Telephone Company (respectively "NET" and "NYT"; collectively the "NTCs"), submit these Reply Comments in the above-entitled proceeding.

Eleven parties, including the NTCs, filed comments on Verilink Corporation's petition for a rulemaking (the "Verilink Petition") to revise Part 68 of the Federal Communications Commission (the "Commission") rules to permit line build out functionality ("LBO") to be provided in the transmission path of DS1 services as part of regulated network interface equipment located on customer premises. Of the eleven commenters, only the Independent Data Communications Manufacturers Association, Inc. ("IDCMA") opposes the Verilink Petition.¹ After carefully

¹ See Opposition of the Independent Data Communications Manufacturers Association, dated February 8, 1993 ("IDCMA Comments").

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reviewing IDCMA's arguments, the NTCs continue to support the Verilink Petition.

The NTCs agree with IDCMA's statement that it is the Commission -- not an industry standards committee -- that is charged with setting regulatory policy.² However, unlike IDCMA, the NTCs do not believe the Verilink Petition is inconsistent with this principle. The Commission has frequently recognized the valuable contribution made by industry standards bodies in commenting on technical issues, providing a forum for discussion, and promoting the orderly evolution of the network. The NTCs do not propose that industry standards bodies usurp the role of the Commission. The NTCs merely propose that the Commission consider the rationale for the standard and the widespread support it has received, and institute a rulemaking to determine whether Commission rules should be revised to permit its implementation.

In addition, although IDCMA purports to speak for "manufacturers of equipment used in data communications,"³ the NTCs note that several equipment manufacturers have filed comments supporting the Verilink Petition. In fact, three such equipment manufacturers describe the same installation/maintenance problems that are described in the Verilink Petition.⁴

² IDCMA Comments, p. 11.

³ IDCMA Comments, p. 2.

⁴ Comments of Integrated Network Corporation, dated February 8, 1993, pp. 4-6; Letter of Larus Corporation, dated February 4, 1993, p. 1; Letter of PairGain Technologies Inc., dated February 8, 1993, pp. 1-2.

Furthermore, the NTCs see no basis for IDCMA's contention that the rule change proposed in the Verilink Petition would also require amendment of Section 64.702(e). However, even if that were the case, it would not preclude a rulemaking. Rather, it would be appropriate to address that issue in the rulemaking proceeding itself.

Finally, IDCMA asserts that "a working group of Committee T1 has already agreed about how to change the standard to conform with the Commission's rules and policies."⁵ The NTCs understand that this was done to accommodate the Commission's earlier LBO Order.⁶ Work done to conform to rules as they presently exist should not preclude parties from seeking rule changes that are meritorious and for which there is widespread support.

The Verilink Petition presents a compelling case, providing detailed responses to all of the questions posed by the Commission concerning the LBO issue.⁷ The NTCs continue to

⁵ IDCMA Comments, p. 12.

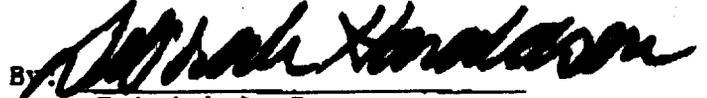
⁶ BellSouth's Petition for Declaratory Ruling or, Alternatively, Request for Limited Waiver of the CPE Rules to Provide Line Build Out (LBO) Functionality, as a Component of Regulated Network Interface Connectors on Customer Premises, Memorandum Opinion and Order, released June 6, 1991, 6 FCC Rcd 3336 ("LBO Order").

⁷ LBO Order, ¶ 30.

support a rulemaking or, as suggested in their original Comments,
resolution of this matter through the Negotiated Rulemaking
Process.

Respectfully submitted,

New England Telephone and
Telegraph Company and
New York Telephone Company

By: 

Patrick A. Lee
Deborah Haraldson

120 Bloomingdale Road
White Plains, New York 10605
(914) 644-5247

Their Attorneys

Dated: February 23, 1993

CERTIFICATE OF SERVICE

I certify that copies of the foregoing REPLY COMMENTS
OF THE NYNEX TELEPHONE COMPANIES were served on each of the
parties listed on the attached Service List, this 23rd day of
February, 1993, by first class United States mail, postage
prepaid.


Elaine Fennessy

Floyd S. Keene
Michael S. Pabian
Ameritech Operating Companies
2000 West Ameritech Center Drive
Room 4H76
Hoffman Estates, IL 60196-1025

William B. Barfield
Thompson T. Rawls II
BellSouth Telecommunications, Inc.
1155 Peachtree Street, N.E.
Suite 1800
Atlanta, Georgia 30367-6000

Daniel L. Bart
GTE Service Corporation
1850 M. Street, N.W.
Suite 1200
Washington, D.C. 20036

Michael D. Lowe
Lawrence W. Katz
The Bell Atlantic Telephone Companies
1710 H Street, N.W.
Washington, D.C. 20006

James E. Taylor
Richard C. Hartgrove
Robert J. Gryzmala
Southwestern Bell Telephone Company
1010 Pine Street
Room 2114
St. Louis, Missouri 63101

Mike Lefkowitz
Vice President, Marketing
PairGain Technologies Inc.
12921 E 166th Street
Cerritos, CA 90701-2104

James P. Tuthill
Betsy S. Granger
Pacific Bell
Nevada Bell
140 New Montgomery Street
Room 1525
San Francisco, California 94105

Austin Lesea
Vice President
Advanced Product Development
Larus Corporation
2160 Del Franco Street
San Jose, CA 95131

Herbert E. Marks
James L. Casserly
Kerry E. Murray
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044
Attorneys for IDCMA

Andrew D. Lipman
Catherine Wang
Swidler & Berlin, Chartered
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
Attorneys for Integrated Network Corp.