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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 the Part 69 Allocation of General Support Facility Costs	)	CC Docket No. 92-222

OPPOSITION TO PETITION FOR RECONSIDERATION

The NYNEX Telephone Companies ("NTCs") hereby oppose MFS' Petition for Reconsideration of the Commission's May 19, 1993 Order[1] amending Section 69.307 of the Commission's Rules to eliminate the misallocation of General Support Facility ("GSF") investment and related expenses.

As MFS notes in its Petition, it did not oppose the Rule change when it was originally proposed. Nor does MFS oppose the Rule change in its Petition for Reconsideration. Instead, MFS argues, as it did earlier without success, that the Rule change should be postponed pending the Commission's resolution of other access pricing issues. MFS' request for postponement should again be denied for several reasons.

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1 Amendment of the Part 69 Allocation of General Support Facilities Costs, FCC 93-238 (May 19, 1993) ("GSF Order").

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First, if the Commission believed that it was appropriate to defer implementation of the Rule change pending its resolution of other access pricing issues, it could have done so in the GSF Order. Instead, the Commission expressly declined to do so:

> "We deny MFS's request that we should hold this proceeding in abeyance until we resolve issues it has raised concerning the appropriateness of LEC special access volume and term discounts. Having found in the Expanded Interconnection Order that a cost misallocation existed in our Part 69 rules, we believe it is important to take action expeditiously to reflect our finding." GSF Order, ¶ 11 n.40.

MFS offers no new reasons which warrant reconsideration of this issue by the Commission.

Second, MFS' request is now moot. The revised Rule became effective on July 1, 1993 and the NTCs have already revised their access rates in accordance with the Rule. The NTCs should not be required to revise their rates again.

Third, MFS has failed to demonstrate that it has suffered any competitive harm. In fact, postponement of the Rule change would give MFS a competitive edge. The Rule change has eliminated one of the factors that causes the NTCs' Switched Transport and Special Access rates to be above cost. This will help the NTCs to compete against MFS and other competitive access providers in the market for transport services.

For the foregoing reasons, MFS' Petition for Reconsideration should be denied.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing OPPOSITION TO PETITION FOR RECONSIDERATION was served on the party listed below, this 27th day of July, 1993, by first class United States mail, postage prepaid.

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