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

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Petition to Amend Part 68 of the)
Commission's Rules to Include)
Terminal Equipment Connected to)
Basic Rate Access Services)
Provided Via Integrated Services)
Digital Network Access Technology)

RM-7815

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

The Independent Data Communications Manufacturers Association, Inc. ("IDCMA"), by its attorneys, hereby replies to the comments submitted in response to the Petition for Rulemaking filed on August 23, 1991, by Southwestern Bell Telephone Company ("Southwestern Bell"). At this stage in the proceedings, there is no need for extensive discussion of each of the issues raised by other parties; there will be ample opportunity to continue the discussion after the Commission adopts a Notice of Proposed Rulemaking. It is timely, however, to highlight several additional points beyond those set forth in IDCMA's initial comments.

There is an overwhelming consensus that the Commission should respond favorably to Southwestern Bell's petition and issue a Notice of Proposed Rulemaking to include equipment for connection to ISDN Basic Rate Access

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("BRA") services under Part 68 of the Commission's Rules. Of the eight parties filing first-round comments, all but one support the initiation of a rulemaking proceeding.¹ Such broad support for a rulemaking is rare, if not unprecedented, in this area. This record clearly demonstrates that the Commission should proceed expeditiously with the development and issuance of a Notice.

With respect to specific proposals, AT&T proposes that the rulemaking be expanded to address equipment connected not only to the ISDN BRA interface, but also to the ISDN Primary Rate Access ("PRA") interface. (AT&T Comments at 2-3) The goal behind this proposal appears valid; however, the Part 68 rules already apply to terminal equipment connected to 1.544 Mbps digital transmission services, which serve as the physical access to ISDN PRA services. Accordingly, it is not clear that any substantial amendments to Part 68 are needed to accommodate ISDN PRA. In order to avoid needless effort and delays in effecting Southwestern Bell's proposal, AT&T's concern could be addressed simply by amending the definitional provision of

^{1/} Supporters include IDCMA, Ameritech, AT&T, Bell Atlantic, BellSouth, NYNEX, and SNET (the full names of all parties and the abbreviations used in referring to them are set forth in Appendix A). The sole dissenter is U S West, which says that it "does not believe that the rules proposed by SWB are necessary" (U S West Comments at 1), but provides no explanation for this view.

Part 68 to specify that the term "1.544 Mbps digital services" includes ISDN Primary Rate Access.²

AT&T's observations with respect to longitudinal-to-metallic balance requirements (AT&T Comments at 3-4) appear on the mark, and the Commission should take these suggestions into account in composing a Notice of Proposed Rulemaking. IDCMA harbors concern about AT&T's proposal with respect to encoded analog content, as it might be interpreted to contemplate that NT1 equipment will be responsible for the performance of certain equipment that is "behind" (on the customer side of) the registered equipment.³

IDCMA is gravely concerned by other commenters' proposals that the Commission rely heavily on standards created by a private organization, rather than establish its own technical requirements for equipment connected to ISDN BRA interfaces. U S West proposes that Southwestern Bell's proposal be modified in at least four instances to include

2/ Specifically, as opposed to AT&T's proposal, IDCMA proposes that the definition of "1.544 Mbps digital service" be amended by adding the following sentence: "References in this Part to 1.544 Mbps digital service include the use of this service for accessing primary rate ISDN."

3/ Typically, NT1 equipment is not technically capable of providing encoded analog content protection. Therefore, as is the case with the connection requirements for other digital services already covered by Part 68, this responsibility would have to be satisfied by the equipment which is behind the NT1.

reference to "ANSI T1.601 (year)." (U S West Comments, passim) Yet, U S West provides no support or explanation for its proposal.

Rather than follow U S West's suggestion, the better approach would be simply to insert the relevant requirements directly into the Part 68 rules. It would not serve the Commission's or the industry's purposes to leave connection of this equipment to a reference to another document which may not be as widely available, which was not adopted with full public participation, and which is outside Commission control.

Availability is a problem because, upon approval of a new version of a private industry standard, the old version is withdrawn from circulation. Therefore, were the Commission to adopt a Committee T1 standard for connection of certain ISDN equipment, the standard forming the basis for the Commission's connection rule would become unavailable upon its revision by Committee T1. In addition, private industry standards are not limited to issues of potential network harms, but rather address a variety of issues, such as interoperability, that are beyond the scope of Part 68.

Most importantly, private industry standards committees, such as Committee T1, are not bound to consider sound public policy, the Commission's pro-competitive

policies, or the public interest, convenience and necessity in drafting these voluntary standards. Indeed, Committee T1 has specifically and repeatedly disclaimed any expertise in the area of public policy.

BellSouth's proposal compounds the problem posed by U S West's proposal and appears to suggest that Part 68 merely incorporate by reference such a third-party standard, without basing the rule on a particular version of that standard. BellSouth's desire to avoid the "delays or confusion that otherwise might result if the Part 68 rules needed to be specifically modified to parallel any future modifications to the industry standard" (BellSouth Comments at 3) can only be read as a proposal that the applicable requirements of Part 68 change automatically whenever Committee T1 revises its own standard. This, of course, would constitute a gross dereliction of duty by the Commission and a patent violation of the Administrative Procedure Act, 5 U.S.C. § 500 et seq.

With respect to the commenters' proposal regarding jacks, Ameritech and U S West favor using the "tariff alternative" (Ameritech Comments at 2) or "public notice process". (U S West Comments at 4) in lieu of establishing a registered jack for the ISDN equipment at issue. However, the reasons behind the creation of the tariff (or public notice) alternative process are not present in this instance

since a rulemaking will be conducted in any event. Discussing jacks along with the other technical issues presented by Southwestern Bell's proposal is the best way to honor the Commission's commitment that all plug-jack configurations would be "subject to regulatory review".⁴ This approach need not foreclose consideration of concerns addressed to the avoidance of unnecessary premises visits (see Ameritech Comments at 3), concerns which are entitled to due consideration in the course of the rulemaking proceeding.

Finally, IDCMA categorically rejects BellSouth's insinuation (BellSouth Comments at 2 n.5) that the recent service outages experienced by several local exchange and interexchange carriers were at all related to "terminal equipment manufacturers' [lack of] compliance with voluntary standards." As the Commission is aware, all of the outages have been attributable to errors by carriers, such as neglecting to test software properly before deploying it, failing to monitor central office power arrangements, severing fiber optic cable when performing routing maintenance, etc. Any effort to shift blame for those regrettable episodes to innocent CPE manufacturers is

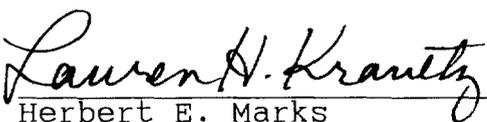
^{4/} See Proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Memorandum Opinion and Order, 70 F.C.C.2d 1800, 1836-38 (1979).

utterly without merit and well beyond the pale of legitimate advocacy.

Notwithstanding BellSouth's aberrant remark, the record as a whole demonstrates that the industry is prepared to work constructively to extend Part 68 to equipment connected to ISDN BRA interfaces. IDCMA is eager to participate in that process and encourages the Commission to initiate a rulemaking as soon as possible.

Respectfully submitted,

INDEPENDENT DATA COMMUNICATIONS
MANUFACTURERS ASSOCIATION, INC.

By: 
Herbert E. Marks
James L. Casserly
Lauren H. Kravetz
Squire, Sanders & Dempsey
1201 Pennsylvania Ave., N.W.
P.O. Box 407
Washington, D.C. 20044
(202)626-6600

Its Attorneys

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APPENDIX A

The following is a listing of the full name and short reference for the parties filing comments on Southwestern Bell's petition for rulemaking:

Ameritech Operating Companies ("Ameritech")
American Telephone & Telegraph Company ("AT&T")
Bell Atlantic Telephone Companies ("Bell Atlantic")
BellSouth Corporation, Southern Bell Telephone and Telegraph Company, and South Central Bell Telephone Company ("BellSouth")
New York Telephone Company and New England Telephone and Telegraph Company ("NYNEX")
Southern New England Telephone & Telegraph Company ("SNET")
Southwestern Bell Telephone Company ("Southwestern Bell")
U S West Communications ("U S West")

CERTIFICATE OF SERVICE

I, Lauren H. Kravetz, do certify that on November 21, 1991 copies of the foregoing Reply Comments of the Independent Data Communications Manufacturers Association, Inc. were either hand-delivered or sent by first-class postage prepaid mail to the following parties:

Richard M. Firestone
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street Street, N.W. - Room 500
Washington, DC 20554

Durward D. Dupre
Richard C. Hargrove
Michael J. Zpevak
Thomas A. Pajda
Bruce E. Beard
1010 Pine Street, Room 2114
St. Louis, Missouri 63101
Attorneys for Southwestern Bell
Telephone Company

E. William Kobernusz
Vice President - Regulatory
227 Church Street
New Haven, CT 06506-1806
Attorneys for Southern New England
Telephone Company

Floyd S. Keene
Michael S. Pabian
Room 4H76
2000 W. Ameritech Center Drive
Hoffman Estates, IL 60195-1026
Attorneys for the Ameritech
Operating Companies

Mary McDermott
Shelley E. Harms
120 Bloomingdale Road
White Plains, NY 10605
Attorneys for New York Telephone
Company and New England Telegraph Company

Francine J. Berry
Michael J. Holliday
Lowell B. Miller
295 North Maple Avenue
Basking Ridge, NJ 07920
Attorneys for American Telephone
and Telegraph Company

William B. Barfield
A. Kirven Gilbert III
1155 Peachtree Street, N.W.
Suite 1800
Atlanta, GA 30367
Attorneys for BellSouth Corporation,
Southern Bell Telephone and Telegraph
Company, and South Central Bell Telephone
Company

Lawrence E. Sargeant
1020 19th Street, N.W.
Suite 700
Washington, DC 20036
Attorney for U S West Communications, Inc.

Michael D. Lowe
Lawrence W. Katz
1710 H Street, N.W.
Washington, DC 20006
Attorneys for the Bell Atlantic
Telephone Companies


Lauren H. Kravetz