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

JUN 28 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Petition for Relief from Unjust )  
and Unreasonable Discrimination in )  
the Deployment of Video Dialtone )  
Facilities )

RM-8491

COMMENTS OF THE PUBLIC SERVICE  
COMMISSION OF THE DISTRICT OF COLUMBIA

The Public Service Commission of the District of Columbia (D.C. PSC), pursuant to the Federal Communications Commission's (FCC's) public notice,<sup>1/</sup> hereby comments with respect to the petition for relief filed by the Center for Media Education, the Consumer Federation of America, the Office of Communication of the United Church of Christ, the National Association for the Advancement of Colored People, and the National Council of La Raza (Petitioners) on May 23, 1994.

In their petition for relief, petitioners point out a number of examples of "electronic redlining" by the Regional Bell Operating Companies (RBOCs) in their Section 214 applications to provide video dialtone service, and assert that these actions are inconsistent with the goal of universal service and are unreasonably discriminatory. Among other things, the petitioners point out that Bell Atlantic's proposal is limited to high income and low-minority areas such as Montgomery County, Maryland and Northern Virginia, and fails to propose service to the District of

<sup>1/</sup> DA 94-621, released June 13, 1994 (Public Notice).

Columbia and Prince George's County, both of which contain large minority populations. Affidavit of Dr. Mark N. Cooper at ¶19. The petitioners urge the FCC to adopt: (1) a policy statement announcing its commitment to the goals of universal video dialtone service and nondiscriminatory deployment at each phase of construction; (2) an interpretative rule clarifying that applicants for Section 214 authority to construct and operate video dialtone authority facilities are required to adhere to the objectives of universal service and avoidance of discrimination on the basis of income level, race or ethnicity; and (3) a procedural rule instructing its staff to bring to its attention applications which appear to violate these objectives, and to remand these applications to afford the applicants the opportunity to bring them into conformity. Petition at 1-2.

The D.C. PSC has been concerned with the apparent intent of Bell Atlantic to provide video dialtone service to the more affluent suburbs of Washington, D.C. and to omit or delay service to Washington, D.C. Thus, on February 4, 1994, the D.C. PSC issued an order stating its concern that Bell Atlantic "has applied to the Federal Communications Commission (FCC) to provide video dialtone service as part of the 'Information Superhighway' in Maryland and Virginia, but not in the District of Columbia." Formal Case No. 920, Order No. 10375 (Feb. 4, 1994). The D.C. PSC therefore called a status conference "to consider why Bell Atlantic is omitting the District of Columbia from its deployment of the Information Superhighway, including participation of the District of Columbia

public schools in these proposed services." Id. Ultimately, the D.C. PSC decided that, instead of holding a status conference, it would broaden and restructure its proceeding involving Bell Atlantic's construction program and budget to consider, among other things:

How does Bell Atlantic propose to make the Information Superhighway available to residents and businesses of the District of Columbia?

Formal Case No. 920, Order No. 10381 (Feb. 18, 1994) at 2; Order No. 10426 (May 11, 1994) at 4.

The D.C. PSC is encouraged by the Bell Atlantic filing of a new Section 214 application which proposes service to the District of Columbia, including parts of the District of Columbia with low-income populations. While the D.C. PSC has not had an opportunity to analyze the application at this time, it is hopeful that the application will adequately respond to the concerns of the petitioners and the D.C. PSC concerning this issue. While the D.C. PSC does not take a position with respect to the specific requests for relief sought by petitioners, it urges the FCC to take any necessary steps, including monitoring of possible electronic redlining, in cooperation with the D.C. PSC and other state

commissions, to preclude the discriminatory provision of video dialtone service.

Respectfully submitted,

PUBLIC SERVICE COMMISSION OF  
THE DISTRICT OF COLUMBIA

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Dated: June 28, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 1994, copies of the foregoing "Comments of the Public Service Commission of the District of Columbia" were mailed, postage prepaid, to the parties below:

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