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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

JAN 19 2 22 PM '96

DA 95-2487

In the Matter of	)	
	)	CC Docket No. 94-97
Southwestern Bell Telephone Company	)	
Revisions to Tariff F.C.C. No. 73	)	Transmittal Nos. 2499, 2519
	)	

ORDER

Adopted: December 15, 1995; Released: December 15, 1995

By the Chief, Tariff Division, Common Carrier Bureau:

1. On September 13, 1995, Southwestern Bell Telephone Company (SWB) filed Transmittal No. 2499 to revise its Tariff F.C.C. No. 73. In Transmittal No. 2499, which is scheduled to become effective on December 16, 1995, SWB proposes to introduce the Alarm Collection Device (ACD) Access Link and modify the application of the Engineering Design Charge to an "initial" and "subsequent" application basis.

2. The ACD provides remote monitoring and control of the interconnector-designated virtual collocation equipment and SONET-based interconnection (SBI) equipment. The ACD initially was offered for virtual collocation in Transmittal No. 2440, and for SBI in Transmittal No. 2453. The ACD Access Link would allow interconnectors to link several interconnection arrangements to a single ACD, as an alternative to installing a dedicated ACD in each central office.

3. On September 28, 1995, MFS Communications Company, Inc. (MFS) filed a petition to reject, or suspend and investigate, Transmittal No. 2499. MFS contends that the ACD and the ACD Access Link are unnecessary and unreasonably inflate the cost of virtual collocation services.[1] MFS argues that it should not be required to have the ACD because its terminating equipment, which is the same equipment used by SWB, has full monitoring and control capabilities.[2]

4. On October 10, 1995, SWB filed a reply to the petition filed by MFS. SWB contends that the arguments raised by MFS are against Transmittal No. 2440 instead of

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[1] MFS Petition (against Transmittal No. 2499) at 2.

[2] *Id.* at 3.

Transmittal No. 2499.[3] SWB contends that the ACD is necessary to monitor and respond to the interconnector- designated equipment in the central office.[4] SWB argues that the ACD Access Link is optional, but that ACD is mandatory.[5]

5. On November 29, 1995, SWB filed Transmittal No. 2519, to become effective on December 12, 1995, under authority of Special Permission No. 95-1601. In Transmittal No. 2519, SWB proposes to revise certain ACD regulations contained in Transmittal No. 2499 to clarify that the ACD is mandatory and dedicated to each interconnector.

6. On December 5, 1995, MFS filed a petition to reject, or suspend and investigate, Transmittal No. 2519. In its petition, MFS attaches a copy of its petition against Transmittal No. 2499, and reiterates its previous argument that the ACD is unreasonable and unnecessary.[6] On December 8, 1995, SWB filed a reply, stating that MFS failed to serve its petition against Transmittal No. 2519 in accordance with Commission rules, and, therefore, the petition should be summarily rejected as procedurally defective.[7] Additionally, SWB incorporates by reference its response to the MFS petition against Transmittal No. 2499 and certain pages from its Rebuttal filed pursuant to the *Phase II Designation Order*[8] in the virtual collocation tariff investigation, to support its argument that the ACD tariffs are reasonable.[9] SWB does not object to including the transmittals pertaining to the ACD in the Phase II virtual collocation tariff investigation.[10]

7. The petition filed by MFS against Transmittal No. 2519 was not served on SWB by hand delivery or facsimile transmission, as required by Section 1.773 (a) (4),[11] and shall be dismissed for failure to comply with the Commission's rules.

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[3] SWB Reply at 1-2.

[4] *Id.* at 3.

[5] *Id.* at 4.

[6] MFS Petition (against Transmittal No. 2519) at 2-3.

[7] SWB Reply at 1-2.

[8] Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Virtual Collocation for Special Access and Switched Transport, CC Docket No. 94-97, Phase II, Order Designating Issues for Investigation, 10 FCC Rcd 11116 (1995) (*Phase II Designation Order*).

[9] SWB Reply at 2.

[10] *Id.*

[11] 47 C.F.R. § 1.773 (a) (4).

8. On December 8, 1995, Teleport Communications Group (Teleport) filed a petition to reject, or suspend and investigate, Transmittal No. 2519. Teleport contends that requiring the ACD is unjustified.[12] The petition filed by Teleport against Transmittal No. 2519 was not served on SWB by hand delivery or facsimile transmission, as required by Section 1.773 (a) (4),[13] and shall be dismissed for failure to comply with the Commission's rules.

9. The transmittals filed by SWB, insofar as they pertain to virtual collocation, raise the same issues as the virtual collocation tariffs that were suspended for one day and made subject to the investigation initiated in the *Virtual Collocation Tariff Suspension Order*.[14] Therefore, the portions of the above-captioned transmittals that pertain to virtual collocation are suspended for one day, until December 17, 1995, and will be subject to the investigation initiated in the *Virtual Collocation Tariff Suspension Order*. These transmittals will also be subject to an accounting order to facilitate any refunds that may later prove necessary. Insofar as these transmittals pertain to SBI, we conclude that none of the parties have presented issues regarding these transmittals that raise significant questions of lawfulness which require investigation of these tariff transmittals. Therefore, insofar as Transmittal Nos. 2499 and 2519 pertain to SBI, these transmittals will become effective on December 16, 1995.

10. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the revisions to Southwestern Bell Telephone Company Tariff F.C.C. No. 73, Transmittal Nos. 2499 and 2519, as pertains to virtual collocation, ARE SUSPENDED for one day and an investigation of the referenced tariff transmittals IS INSTITUTED.

11. IT IS FURTHER ORDERED that the petition filed by MFS Communications Company, Inc., on December 5, 1995, to reject, or suspend and investigate, Transmittal No. 2519 is DISMISSED.

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[12] Teleport Petition at 2-3.

[13] 47 C.F.R. § 1.773 (a) (4).

[14] Ameritech Operating Companies *et al.*, CC Docket No. 94-97, Order, 10 FCC Rcd 1960 (1994) (*Virtual Collocation Tariff Suspension Order*). The *Virtual Collocation Tariff Suspension Order* suspended for one day and initiated an investigation of the virtual collocation tariffs filed on September 1, 1994 by the Tier 1 local exchange carriers subject to expanded interconnection requirements. In the *Phase II Designation Order*, the Common Carrier Bureau designated issues for investigation regarding the rate levels, rate structures, and terms and conditions of service, for the second phase of the investigation of the LECs' virtual collocation tariffs.

12. IT IS FURTHER ORDERED that the petition filed by Teleport Communications Group, on December 8, 1995, to reject, or suspend and investigate, Transmittal No. 2519 is DISMISSED.

13. IT IS FURTHER ORDERED that Southwestern Bell Telephone Company SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

14. IT IS FURTHER ORDERED that Southwestern Bell Telephone Company should cite the "DA" number of the instant Order as the authority for this filing.

15. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), Southwestern Bell Telephone Company shall keep accurate account of all amounts received by reason of the rates that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

Geraldine A. Matise

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Chief, Tariff Division
Common Carrier Bureau