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FEDERAL COMMUNICATIONS COMMISSION

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Tariff Filing Requirements for ) CC Docket No. 93-36  
Nondominant Common Carriers )

**COMMENTS OF BELL ATLANTIC<sup>1</sup> ON PETITION OF SBC COMMUNICATIONS INC. FOR PARTIAL RECONSIDERATION**

SBC Communications Inc. ("SBC") is correct that the Commission should expeditiously streamline the regulatory requirements for all competing carriers and eliminate the current disparity in the Commission's rules.<sup>2</sup> As Bell Atlantic has recently shown, the distinctions between "dominant" and "non-dominant" carriers are "affirmatively anticompetitive."<sup>3</sup> The costs of price regulation of "dominant" carriers' services:

often outweigh their benefits, especially when markets are as dynamic, fast-changing and unpredictable as telecommunications services. These regulatory costs include delays in new services and price changes inherent in the administrative process; inefficiencies caused by

<sup>1</sup> The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; and Bell Atlantic-West Virginia, Inc.

<sup>2</sup> See Petition of SBC Communications Inc. For Reconsideration ("Petition")

<sup>3</sup> *Price Cap Performance Review for Local Exchange Carriers*, CC Docket No. 94-1, Comments of Bell Atlantic (filed Dec. 11, 1995).

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holding prices above competitors' or preventing prices from reflecting differences across geographic markets; obtaining and providing information to comply with filing requirements; and the strategic use of regulation by competitors to inhibit the regulated firm from competing effectively in the marketplace.<sup>4</sup>

In the remand order,<sup>5</sup> however, the Commission failed to address regulation of all marketplace competitors but, instead, merely eliminated the unlawful "range of rates" filing provision for "non-dominant" carriers without addressing the impact of streamlined regulation on their "dominant" carrier competitors. The Commission should remedy that defect by granting SBC's Petition and promptly eliminating the invalid regulatory distinctions between "dominant" and "non-dominant" carriers. Instead of retaining the current disparate regulatory requirements, the Commission should apply to all

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<sup>4</sup> *Id.*, Tab 1, Affidavit of Richard J. Gilbert and Robert G. Harris at ¶ 3.

<sup>5</sup> *Order*, FCC 95-399 (rel. Sept. 27, 1995).

competitors the streamlined regulatory framework currently reserved for "non-dominant" carriers, as SBC requests.

Respectfully Submitted,

**The Bell Atlantic Telephone  
Companies**

By their Attorney

A handwritten signature in black ink, appearing to read "Lawrence W. Katz", written over a horizontal line.

Lawrence W. Katz

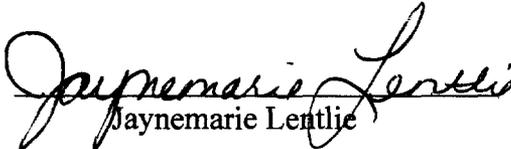
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December 19, 1995

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments of Bell Atlantic on Petition of SBC Communications Inc. for Partial Reconsideration" was served this 11th day of January, 1996 by first class mail, postage prepaid, on the parties on the attached list.

  
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