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## SUMMARY

GTE urges the Commission to adopt a number of constructive suggestions offered in this proceeding, suggestions that would promote and enhance the Commission's initiative to streamline and decrease regulatory burdens. The future success of carriers meeting the timely challenges of a rapidly changing telecommunications environment hinges on the elimination of unnecessary procedural requirements that only serve to inhibit efficient operations of both the FCC and the industries it regulates.



Current tariff filing and waiver procedures severely restrict a LEC's ability to introduce new services in those markets in which customers can take advantage of alternative competitive suppliers. There is no reason for an exchange carrier to endure a protracted and open-ended waiver request process, in addition to lengthy tariff notice and deferral periods, simply to make available a service that is technically feasible to provide and one that customers desire.<sup>3</sup> Indeed, competitive providers can offer the same service to customers in a matter of days while LECs have often had to wait for months. See SBC at 3.

Streamlining the Part 69 waiver and new services filing processes can and should be done immediately. In addition, the Commission should take action to streamline tariff filing requirements for LECs entering into new businesses as a result of the implementation of the Telecommunications Act of 1996 (the "1996 Act"). Specifically, GTE believes that the provision of interLATA interexchange services by a LEC, whether outside or within its local exchange service area, should be properly treated under non-dominant carrier regulation. To the extent that the Commission finds that such in-region services should be considered dominant, it should permit the filing of tariffs on shorter notice periods, and subject to less stringent support requirements, than those currently imposed in Part 61. Indeed, the Commission should take the opportunity to rule in this manner in the

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<sup>3</sup> The Commission is under no obligation to approve a waiver of the Part 69 access charge rules within any specified time period. Under Section 61.58 of the rules, tariffs offering new services must be filed on at least 45 days notice and are routinely deferred for as much as 120 days by the Commission if oppositions to such filings are filed by competitors.

context of its Notice of Proposed Rulemaking<sup>4</sup> proposing to eliminate tariff filings of non-dominant carriers.

The Commission should also establish and adhere to statutory deadlines for concluding tariff investigations, as SBC (at 2) suggests. In particular, the Commission should comply with the letter and spirit of Section 204(a) as amended by the 1996 Act. A number of tariff rate investigations, including 800 database services, annual price cap filings, and expanded interconnection services, have been under investigation for years. However, in the interim, rates for several of these services have been changed under the price cap rules and service offerings have been altered or expanded. Leaving in limbo for an excessive period the final determination as to whether the original service offering was lawful creates an unacceptable level of uncertainty for carriers and customers alike as to the ability of LECs to make additional service and rate changes to accommodate changing markets. It also builds in an unneeded level of complexity as exchange carriers must maintain detailed accounting records pending conclusion of the investigation and could be ultimately forced to make complex and confusing changes to their service offerings as a result of a finding that the original tariff, filed years earlier, must be modified.

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<sup>4</sup> See Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended, Notice of Proposed Rulemaking, CC Docket No. 96-61, FCC 96-123 (released March 25, 1996).

Finally, as PacBell suggests, the Commission should examine its Part 61 tariff filing rules to determine if certain requirements should be changed or limited in order to reduce the administrative costs of filing tariffs. Rigid tariff specifications and restrictions contained in Part 61 often result in the filing of numerous special permission applications, most of which are granted on a routine basis by the tariff division.<sup>5</sup> This process often results in the submission of two sets of filings -- the special permission request and the actual tariff transmittal -- even on such routine matters as changing the effective date or making minor text or coding changes.<sup>6</sup> The Commission should consider amending the Part 61 rules to reduce the number of special-permission filings that must be made by modifying, or otherwise streamlining, its tariff filing requirements.<sup>7</sup>

## **II. WIRELESS TELECOMMUNICATIONS BUREAU'S PROCESSING OF COMMERCIAL MOBILE RADIO SERVICE ("CMRS") AUTHORIZATIONS SHOULD BE STREAMLINED.**

GTE applauds the FCC's Wireless Telecommunications Bureau's recent announcement that it will undertake a comprehensive review aimed at streamlining

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<sup>5</sup> For example, while a LEC may have previously obtained permission to refer to an outside publication in a particular section of its tariff, it must file additional special permission requests each time it wishes to replicate the exact reference in other sections of the same tariff.

<sup>6</sup> In addition, the Commission ought to modify Section 61.22 of the rules to permit carriers to submit tariffs using more current versions of software, *i.e.*, WordPerfect 6.0 or 6.1 versions.

<sup>7</sup> The Commission should also take steps to reduce the voluminous cost support data required by the rules. GTE proposes the Tariff Review Plan (TRP) and the associated work papers accompanying tariff filings eventually be required to be submitted only on diskette.

its rules and eliminating outdated rules and requirements, and at improving public access to information in response to recent recommendations from the Wireless Telecommunications Practice Committee Task Force of the Federal Communications Bar Association.<sup>8</sup>

GTE joins AirTouch and NewVector (at 8), in maintaining that aspects of the Wireless Telecommunications Bureau's processing of Commercial Mobile Radio Service ("CMRS") authorizations could also be streamlined. In particular, GTE suggests the existing renewal process, which is duplicated in large part for all CMRS carriers, could be reduced to a process similar to the "postcard" renewals used for mass media services. Cellular renewal applications, for example, are today voluminous and require extensive exhibits and supplementary material. Yet, cellular carriers, like other CMRS providers, are entitled to a renewal expectancy that only rarely implicates these types of disclosures concerning the licensees' operations.

GTE proposes that CMRS licensees, prior to expiration of their licenses, merely be obligated to file an abbreviated "postcard" form for renewal. This form would contain certifications that the licensee is in continued compliance with the alien ownership provisions of Section 310(b), the Anti-Drug Abuse Act of 1988, and any other basic qualifications-related regulations deemed necessary. Such a procedure would also have the beneficial effect of limiting illegitimate or greenmail filings by competitors and/or the unscrupulous by placing the onus of researching

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<sup>8</sup> See FCC Public Notice released March 26, 1996, Mimeo No. 62162.

petitions to deny on the filing party. Furthermore, this procedure would substantially ease the paperwork and administrative burden on the Commission and on licensees without impairing the discharge of the Commission's public interest responsibilities.

**III. FCC MICROWAVE LICENSEE FORMS SHOULD BE MODIFIED TO ELIMINATE UNNECESSARY INFORMATION.**

GTE supports AT&T's suggestions (at 8-9) regarding the new Part 101 that consolidates regulations previously codified in Parts 21 and 94. The Commission has announced plans to adopt a new form for microwave transfer of control and assignments. However, it has not indicated if it plans to eliminate unnecessary and antiquated information related to informational showings. GTE fully agrees with AT&T's plea for the Commission to scrutinize the new FCC Form 490 and the draft microwave transfer of control and assignment forms in order to limit the information solicited to essential information required of licensees.

**IV. THE FCC SHOULD NOT IMPOSE ARBITRARY PAGE LIMITATIONS IN PROCEEDINGS OF UNUSUAL IMPORTANCE.**

GTE supports the suggestion of the National Telephone Cooperative Association ("NTCA") that pleadings in proceedings of unusual importance should not be subjected to such arbitrary limits as 25 pages. The recently released NPRM/Order Establishing Joint Board in *Federal State Joint Board on Universal Service*, CC Docket No. 96-45, dealing with universal service, needed over 50 pages to set forth proposed changes and to seek public comments on a wide range of issues. Limiting responsive submissions to 25 pages virtually guarantees the Commission will not obtain a satisfactory record unless parties stretch the definition

of "appendices of factual material" beyond all recognition. Such a limitation would tip the scales in favor of entities with a narrow interest and against entities with broad interests that cannot be presented fully in just a few pages.

Of course, parties should not indulge in padded and frivolous pleadings, thereby hampering the Commission's effort to meet the serious challenges presented by the 1996 Act and its implementation. The answer is not arbitrary page limits but rather making it clear in Commission and Bureau orders that filing pleadings of this character will weaken the case of the filing party. Warnings of this kind, associated with identification of the worst offenders, should put enough pressure on attorneys and clients to deter them from the self-defeating strategy of burdening the record with masses of irrelevant factual material or argumentation.

**V. EMPLOYMENT OF THE "LAST BEST OFFER" PROCEDURE RECOMMENDED BY TRA SHOULD REQUIRE STIPULATION IN ADVANCE BY ALL PARTIES.**

The Telecommunications Resellers Association ("TRA") has recommended several constructive suggestions to streamline and expedite the process of the Common Carrier Bureau ("CCB") for resolving formal complaints brought by resellers against underlying network providers. TRA has proposed a basic format and timeline for a "resale carrier track" complaint process to facilitate prompt and efficient dispute resolution. GTE agrees that the CCB's Enforcement Division must

work diligently to process a large number of formal and informal complaints, and GTE is highly supportive of streamlining the associated processes.<sup>9</sup>

GTE commends TRA for its recommendations. However, TRA's suggestion that hearing officers be directed to select from among the parties' respective "last best offers" as a measure of damages when liability is found raises some concern. Such a procedure should only be triggered upon stipulation of all parties to the proceeding in advance of the hearing officer's decision. Experience has shown that many matters progress to the hearing stage specifically because the "last best offers" so often bear no relation to the actual damages suffered. This means there is a danger that a "last best offer" procedure might result in grossly inflated damage awards.

**VI. THE FIBER DEPLOYMENT REPORT IS REDUNDANT AND SHOULD BE ELIMINATED.**

GTE agrees with the recommendation made by Southwestern Bell (at 16) that the FCC's Industry Analysis Division's annual survey of fiber deployment should be eliminated.<sup>10</sup> GTE, like SWBT, already files the ARMIS 43-07 -- Annual

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<sup>9</sup> GTE (at 21-22) urges the FCC to expedite and streamline the informal complaint process.

<sup>10</sup> GTE (at 21) highlighted its concern with ad hoc information requests which may result in long-term reporting requirements without careful attention to the requirement and its costs.

Infrastructure Report that includes fiber data, and urges the Commission to eliminate it as part of its effort to reduce regulatory burdens.

Respectfully submitted,

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## Certificate of Service

I, Ann D. Berkowitz, hereby certify that copies of the foregoing "GTE's Reply Comment" have been mailed by first class United States mail, postage prepaid, on March 29, 1996 to all parties of record.



Ann D. Berkowitz