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FCC REG. SECTION

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

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FCC 96-123

In the Matter of)

Policy and Rules Concerning the
Interstate, Interexchange MarketPlace

CC Docket No. 96-61

Implementation of Section 254 (g) of the
Communications Act of 1934, as amended

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COMMENTS

JAMA Corporation ("JAMA") hereby submits these comments in response to the above-captioned Notice of Proposed Rulemaking Section VI. The proposed rule requiring providers of interexchange telecommunications services to certifications of compliance with statutory rate averaging obligations and statutory rate integration obligations are inconsistent with the Telecommunications Act of 1996 and create potential adjudicatory nightmares for Guam that has not been blessed with the benefit of the Federal Communications Commission (Commission) policy on rate averaging or rate integration and therefor warrants that Guam be addressed through existing proceedings for rate integration.

A. The commission by its claim that these proposed rules would make moot the petitions for Rate Integration filed by JAMA AAD-95-85 and AAD-95-84 and AAD-95-86 filed by the Governors of Guam and the Northern Marianas respectively raises the threshold question of the ability of the commission to take positive, passive and proactive action on rate averaging and rate integration for Guam. There is clear and ample record that the inclusion of the word "insular" in the Telecommunications Act of 1996 under the principle of 254 (b)(3) Access in Rural and High Cost areas was intended to include and mean Guam. The exclusion of the word "insular" under 254(g) raises sufficient concern to the Commission to revisit its conclusion of the "mootness" of Rate Integration Petitions for Guam. Guam is already significantly disadvantaged that its concerns for fair and reasonable inclusion within the Universal Service Joint Board, CC Docket No. 96-45 will be adequately addressed by the members from the state regulatory commissioners who are unfamiliar with Guam and its objectives as it relates to Universal Service. Since the Commission has taken no action on the Petitions for Rate Integration for Guam (and similarly no action on Rate Averaging for Guam) what body of policy, doctrine, law, rule, regulation or order will Guam interexchange carriers guide themselves by in their self-certification process as proposed in VI (A) and (B). It is

all

JAMA's understanding that all Guam Dockets, Files, Complaints are still pending therefor any self- certifications of compliance to non-existent Commission order makes any all certifications under these proposed rules subject to the complaint process.

B. Sufficient argument is on file Commission that justifies why Guam must go through a deliberate and participatory joint board rulemaking process before it is deregulated. While forbearance of non-dominant carrier tariff filing is a desirable object of any interexchange carrier, the Commission must provide the benefits of its regulatory process to the ratepayers of Guam 1st thru Rate Integration and Rate Averaging Order to form the basis of self-certifications. As a very basic question to be asked of any possible self-certifications from Guam interexchange carriers are the questions : What is the uniform mileage rate?; What is the mileage distance that the Guam band or zone is from Hawaii? If there is no Commission answer to these questions then how can any tariff be in compliance with STATUTORY Rate Averaging and Rate Integration obligations?

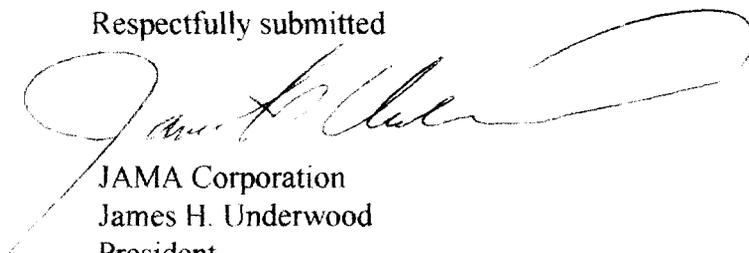
C. AT&T Corp. ("AT&T") in its comments at AAD 95-84 , AAD 95-85 and AAD 95-86 is in agreement with JAMA's notation of the complex steps entailed in rate integration. AT&T acknowledges the need for development of cost date and jurisdiction separation of these costs between the interstate and intrastate components. AT&T at page 6 of its comments in reply to JAMA's suggestion that TPC-5 (of which AT&T is biggest owner-see I-T-C-92-179) be designated domestic up until the island of Guam and international beyond would "present significant policy issues under the Commission's international facility and settlements policies that are novel and complex. A quick check by the Commission of it own files required under Section 43.51, will show that AT&T is currently providing the bulk of its message telephone service under an Accounting Rate which as an International Pricing regime that has no statutory obligations for rate integration or rate averaging. Assuming the Commission continues to consider Guam as domestic and that the forbearance of domestic tariff filings of Guam service comes about, can AT&T without abandoning its accounting rates for Guam Service certify that it is in compliance with all statutory obligations of rate integration and rate averaging? Cannot each and every interexchange service provider on Guam be subject to the complaint process to demonstrate how their domestic interexchange tariffs that transitioned from international tariffs as to how they use are based on costs and reasonableness?

D. The proposed rulemaking as it relates to Guam is premature and an oversimplification of many decades of un-regulated service that deserves at the very least a brief, if not exhaustive effort of the Commission to ensure that Guam is in the right regulatory point in time that best mirrors the U.S. domestic efforts , that is: rate integration followed by equal access followed by open market competitiveness. The Guam ratepayer deserves better from the Commission before it starts paying any Subscriber line charge. It deserves to have true Commission reviewed domestic interstate tariffs before it is required to pick a domestic carrier to carry 1+ calls at 011+ pricing. Industry talk around Guam is that Feature Group D- and Equal Access will be

required by the middle of 1997. A simple exercise will conclude that if the Northern Marianas Equal Access remains unchanged and the Guam Equal Access Order goes forward, that there will be two differing applications of Equal Access just miles apart. JAMA offers that these proposed rules be suspended from applicability to Guam until conclusion of the Petitions for Rate Integration. Attached are JAMA's comments on the Petitions for Rate Integration that contain specific suggestions to the Commission to address the novel and complex issues of Guam.

For the foregoing reasons, JAMA Corporation respectfully requests that the Commission delay the application of Sections VI (A) Rate Averaging and (B) Rate Integration to Guam until the Commission addresses these in other pending dockets.

Respectfully submitted



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April 16, 1996

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

In the Matter of)	File Nos.
)	
GOVERNOR OF THE TERRITORY)	AAD 95-84
OF GUAM)	
)	
JAMA CORPORATION)	AAD 95-85
)	
COMMONWEALTH OF THE NORTHERN)	AAD 95-86
MARIANAS ISLANDS)	
)	
Petitions for Rulemaking to Provide Rate)	
Integration for the Provision of)	
Communications Between the United States)	
Mainland, Alaska, Hawaii,)	
Puerto Rico/Virgin Islands and)	
Guam/CNMI)	

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**COMMENTS OF JAMA CORPORATION IN SUPPORT
OF RULEMAKING TO IMPLEMENT
DOMESTIC RATE INTEGRATION POLICIES**

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND SUMMARY	2
II. THE COMMISSION SHOULD REQUIRE RATE INTEGRATION FOR GUAM AND THE CNMI	5
A. Rate Integration is a Condition Precedent to Bringing Guam and the CNMI Fully Within the Domestic Telecommunications Regime	5
B. The FCC Should Find Affirmatively that "Equal Access" Conversion is not Attainable without Rate Integration	8
III. THE COMMISSION SHOULD COORDINATE IN A REASONED MANNER ALL RELEVANT PROCEEDINGS THAT AFFECT TELECOMMUNICATIONS COMPETITION ON OFFSHORE POINTS	11
A. The FCC Should Consolidate the Records of the Pending Rate Integration Petitions	11
B. The FCC Should Immediately Freeze the Status Quo and Adopt a Process that Unbundles the Deployment of FGD and Conversion to Full Equal Access	12
C. The FCC Should Convene a Joint Conference Under Section 410	14
IV. CONCLUSION	15

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**COMMENTS OF JAMA CORPORATION IN SUPPORT
OF RULEMAKING TO IMPLEMENT
DOMESTIC RATE INTEGRATION POLICIES**

JAMA Corporation ("JAMA"), by its attorneys, hereby submits these comments in response to the above-captioned petitions^{1/} supporting the full extension of domestic

^{1/} JAMA Corporation, "Petition for Rulemaking to Implement Domestic Rate Integration for Guam," AAD 95-85, filed May 1, 1995 ("JAMA Petition"); Governor of Guam, "Rate Integration for the Provision of Communications Between the United States Mainland, Hawaii, Alaska, Puerto Rico/Virgin islands, and Guam," AAD 95-84, filed May 9, 1995 ("Governor's Petition"); Commonwealth of the Northern Mariana Islands, "Petition for Rulemaking to Implement Domestic Rate Integration for the Commonwealth of the Northern Mariana Islands," AAD 95-86, filed June 7, 1995 ("CNMI Petition"). JAMA hereby respectfully requests that the Commission consolidate the records of the three rate integration proceedings and issue a consolidated Notice of Proposed Rulemaking addressing rate integration issues. See *infra* Section III.

interstate integrated rate policies to the United States territory of Guam and to the Commonwealth of the Northern Marianas Islands ("CNMI").

I. INTRODUCTION AND SUMMARY

These comments are filed to bring to the people of Guam the full benefits of competition in the telecommunications marketplace. Guam is a domestic telecommunications point^{2/} that is being treated unfairly under the Commission's rules. Residents of Guam face immediate local rate increases as a result of the requirement that Guam Telephone Authority ("GTA") file a Part 69 access tariff,^{3/} without any offsetting benefits in terms of reasonable integrated rates. Thus, despite federal policies that seek to prevent services from being "balkanized,"^{4/} interstate rates for Guam are developed pursuant to international accounting standards. As such, rates between Guam and mainland points remain three times higher than comparable calls under the integrated rate scheme.^{5/} This situation is a direct result of the Commission's current application of rules and policies, which require users of

^{2/} The Commission recognizes that Guam is a domestic communications point. See Common Carrier Services, 93 FCC 2d 54, 62 (1983); Net Express Communications, Inc., 2 FCC Rcd 1664 (1987); Micronesian Telecommunications Corp., 2 FCC Rcd 1105 (1987). Communication between United States mainland and offshore points, or among such points, is "interstate communication" within the meaning of Sec. 3(e) of the Communications Act. 47 U.S.C. § 153(e) (defining "interstate" communication). See also Integration of Rates and Services, 62 FCC 2d 693, 694 ¶ 6 (1976).

^{3/} GTA estimates that local rates are projected to increase by 141%, from twelve to twenty-nine dollars a month on average. "Opposition of Guam Telephone Authority," SCL-94-003, filed July 22, 1994, at 12 ("GTA Opposition").

^{4/} See Guam Telephone Authority Petition for Declaratory Ruling, 9 FCC Rcd 4890, 4892 ¶ 13 (1994) ("FGD Order").

^{5/} GTA Opposition at 12.

telecommunications services to and from Guam to bear all the costs of the domestic access regime, but receive none of the benefits of lower competitive rates.

If residents of Guam and the CNMI are part of the "domestic" regime for access charge purposes, they should benefit from rate integration for interstate calling, which will reduce interstate rates. Instead, today the Commission requires utilization of international settlement principles for Guam-United States accounting rates.^{6'} This disparity unfairly burdens the people of Guam and the CNMI and discourages communication between all United States citizens. Indeed, it is perverse for the FCC to perpetuate antiquated notions of geographic boundaries, especially when no foreign country is involved, just as the advent of the global information superhighway is making even national boundaries less relevant.^{7'} Moreover, utilization of this inappropriate regulatory regime discourages competitive entry and retards the development of a robust telecommunications market. It is inconsistent with the Communications Act to regulate Guam as a domestic point but require it to abide by an

^{6'} See e.g., Common Carrier Bureau, Summary of International Accounting Rates, May 5, 1993.

^{7'} For instance, the vast amount of Internet traffic flows without regard to national boundaries.

international telecommunications regime.^{8/} Rate integration is essential to bring Guam fully within the domestic framework.^{9/}

These comments are submitted with the express purpose of showing that rate integration will fulfill critical public policy goals.^{10/} Most importantly, rate integration will ensure the development of robust competition in the telecommunications marketplace. None of the benefits of competition -- lower prices, improved service quality, and increased innovation -- are attainable without rate integration. Rate integration will assure that services are universally available to all United States citizens at reasonable rates. An integrated rate structure will substantially reduce rates for interstate telephone service and strengthen the ties among all United States citizens -- even those who are not residents of the mainland.

^{8/} While the Commission has required the filing of interstate and foreign exchange tariffs by GTA in order to implement equal access and the deployment of Feature Group D ("FGD"), the Commission has not yet acted to rectify the imposition of international rates for calls between Guam and other domestic United States points. See FGD Order at 4894 ¶ 22; In the Matter of IT&E Overseas, Inc. and PCI Communications, Inc. Petition for Emergency Relief and Expedited Declaratory Ruling, 7 FCC Rcd 4023 (1992) ("Show Cause Order").

^{9/} As the Commission is aware, the policy favoring rate integration is not new. Significantly, as recently as 1994, the FCC affirmed the public interest benefits of integrated rate policies. In the Matter of Integration of Rates and Services for the Provision of Communications by Authorizing Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands, 9 FCC Rcd 3023 ¶ 1 (1994).

^{10/} "Rate integration" is an approach to telecommunications regulation that ensures the provision of non-discriminatory, highly competitive services to all consumers -- regardless of where they are located in this geographically expansive republic. Currently, the Commission applies its rate integration policy to numerous offshore domestic points, and has found that doing so significantly benefits the public interest. See, e.g., Establishment of Domestic Communications Satellite Facilities by Non-Governmental Entities, 35 FCC 2d 845 (1972) ("DomSat II"), aff'd on recon., 38 FCC 2d 665 (1972), aff'd sub nom. Network Project v. FCC, 511 F.2d 786 (DC Cir. 1975).

Finally, rate integration will give the United States the premier telecommunications gateway to the Pacific.

Indeed, despite the Commission's stated desire to achieve "equal access" for Guam^{11/}, equal access and conversion to a domestic interstate telecommunications framework is only truly possible when there is full integration into the domestic interstate rate scheme. For these reasons, the FCC should immediately issue a Notice of Proposed Rulemaking to implement domestic rate integration policies for Guam and the CNMI.

II. THE COMMISSION SHOULD REQUIRE RATE INTEGRATION FOR GUAM AND THE CNMI

A. Rate Integration is a Condition Precedent to Bringing Guam and the CNMI Fully Within the Domestic Telecommunications Regime

As JAMA demonstrated in its initial Petition, rate integration serves to extend the availability of accessible and reasonably priced telecommunications services to all citizens of the United States and all users of telecommunications services to, from, and on Guam. Consumers thereby benefit from near-universal access to reasonably priced long-distance services, service innovation and improved service quality. Competitors, such as JAMA and others, will be able to benefit from access to an expanded market.

Indeed, the FCC must recognize that rate integration is a condition precedent to bringing Guam and the CNMI fully within the domestic telecommunications regime, as the entire domestic interstate framework is predicated upon the relationship between intrastate

^{11/} EGD Order at 4891 ¶¶ 6-7; Show Cause Order at 4026 ¶¶ 14-16.

and interstate costs and revenues.^{12/} Unless there is a coordination of all aspects of the domestic telecommunications framework, therefore, there cannot be full incorporation into the domestic structure, whatever the FCC may order with respect to deployment of Feature Group D ("FGD") and equal access tariffs.^{13/} In fact, integrated rates are critical to ensuring that non-contiguous areas are able to take full advantage of the information superhighway and that non-mainland residents do not become the information "have nots."^{14/}

The single most important aspect of rate integration is rate averaging, a process whereby carriers assess costs based on their entire system rather than on the specific lines used in each communication.^{15/} Rate averaging has been found to promote significant benefits, such as achieving and maintaining universal service.^{16/} In addition, rate averaging

^{12/} Significantly, the Integrated Compliance Plan ("ICP") filed by GTA, recognizes this critical relationship. See ICP, filed April 19, 1993; letter from Veronica M. Ahern, Counsel, Guam Telephone Authority to Geraldine Matise, Acting Chief, Tariff Division, October 20, 1994.

^{13/} See Show Cause Order, *supra*.

^{14/} The notion of integrated rates for non-mainland points, including Guam, has been addressed in comparable contexts. Thus, the first U.S. Postmaster in Guam, James Holland Underwood, brought "postalized" rates to the island, thereby enhancing communication and ties between all U.S. citizens. The FCC should heed this precedent and implement a similar structure in the communications context.

^{15/} See Referral of Questions from GCI v. Alascom, Inc., 2 FCC Rcd 6479, 6480 ¶ 7 (1987).

^{16/} Policy and Rules Concerning Rates for Dominant Carriers, FNPRM, 3 FCC Rcd 3195, 3450 ¶ 483 (1988) ("FNPRM"), citing Guidelines for Dominant Carrier's MTS Rates and Rate Structure Plans, NPRM, 100 FCC 2d 363, 375 (1985). See also In the Matter of Competition in the Interexchange Marketplace, 5 FCC Rcd 2627, 2649 ¶ 181 (1990) ("Interexchange Competition NPRM"). Furthermore, ratepayers in geographically distant

(continued...)

encourages robust interexchange competition.^{17/} A simplified rate structure allows for easy comparison of carriers by consumers.^{18/} Moreover, at lower integrated rates, the demand for interstate calls between Guam and other domestic points would likely rise, expanding the total amount of business and drawing in new competitors.^{19/}

The FCC must recognize that until it integrates domestic interstate rates for Guam and the CNMI into the overall national policy structure, there is no basis for the Commission to apply domestic access charge policies for Guam. Indeed, the genesis of the Part 69 framework was a concern about the interrelationship between service definitions, cost recovery, pricing and the development of robust interexchange competition.^{20/} Yet, if the FCC does not also move to the lower, integrated domestic rates for the domestic interexchange services, it cannot fulfill the Commission's identified goals.^{21/} Instead,

^{16/}(...continued)

settings are protected from unduly high costs, and ensured access to the system at a reasonable price.

^{17/} FNPRM at 3452 ¶ 483.

^{18/} Interexchange Competition NPRM at 2649 ¶ 181.

^{19/} See "Statement of Reed E. Hundt before the Subcommittee on Telecommunications, Committee on Energy and Commerce," January 27, 1994.

^{20/} MTS and WATS Market Structure, CC Docket No. 78-72, Phase I, Third Report and Order, 93 FCC 2d 241 (1983), Modified on Recon., 97 FCC 2d 682 (1983), Modified on Further Recon., 97 FCC 2d 834 (1984), aff'd in part and remanded in part, National Association of Regulatory Commissioners v. FCC, 737 F.2d 1095 (D.C. Cir. 1984), cert. denied, 469 U.S. 1227 (1985), Modified on Further Recon., 102 FCC 2d 849 (1985).

^{21/} Significantly, the FCC has yet to explain why it is consistent to declare Guam a domestic telecommunication point in June, 1992, see Show Cause Order, *supra*, yet 5 months later persist in using an international regulatory framework. Cable Landing License, 7 FCC Rcd 7654 (1992) ("TPC-5").

rather than rationalizing the process by instituting a non-discriminatory system that will foster robust competition through a related rate structure, the FCC will skew the competitive market even more. Thus, until the international rate regime for domestic interstate traffic is eliminated, the FCC will be promoting economic inefficiency and an imbalance in cost recovery.^{22/}

B. The FCC Should Find Affirmatively that "Equal Access" Conversion is not Attainable without Rate Integration

Despite the FCC's earlier inconsistent findings and conclusions with respect to the status of Guam as a domestic point,^{23/} the FCC should act now and immediately recognize that true "equal access" and conversion to a domestic interstate telecommunications framework is not possible until there is rate integration. As such, as part of the needed Notice of Proposed Rulemaking that JAMA urges the FCC adopt, the FCC should make clear that it does not expect there to be the full conversion to equal access until it has concluded its proceedings implementing rate integration.

For instance, the FCC has required GTA to file a tariff with respect to its proposals to implement interexchange presubscription and balloting.^{24/} Yet, as the Commission is

^{22/} For instance, there is no basis to impose the \$3.50 residential Subscriber Line Charge or the corresponding \$6.00 charge for businesses. 47 C.F.R. § 69.104. Indeed, imposition of such a charge is inherently discriminatory and unfair, as the residents of Guam will not receive any corresponding benefit with respect to the interexchange rates they pay. See 47 U.S.C. § 202(a). Indeed, despite GTA's commitments in the ICP, *supra*, the FCC should act to coordinate all related proceedings. See Section III, *infra*.

^{23/} Compare Show Cause Order, *supra*, with Cable Landing License, *supra* at n. 20. JAMA agrees that Guam is clearly a domestic point and that residents of Guam should enjoy all of the benefits associated with that status. The FCC, however, has failed to reconcile these inconsistent findings.

^{24/} See GTA Tariff FCC No. 1, Transmittal 9, effective August 1, 1995.

well aware, there cannot be genuine choice among interexchange carriers when some carriers are denied access to customers and customers are denied access to carriers. To ignore the realities of the market, including the fact that emerging competitors (such as potential resellers), have been denied access to facilities, turns a blind eye to the true nature of competition. Indeed, in the absence of rate integration, it is not economically feasible for competitors to enter the marketplace and provide real choices for consumers. Thus, JAMA has been unable to date to obtain access to facilities at just and reasonable rates precisely because there are no facilities offered at valid, just and reasonable interstate tariffed rates.^{25/} To proceed on the fiction that the situation on Guam is somehow analogous to the situation the FCC faced when it originally mandated balloting and presubscription is therefore truly absurd.

In addition, the implementation of FGD represents a dramatic shift in the Guam telephone market because consumers there will be required to give up three-digit call-by-call access and adopt 1+ presubscription and seven-digit carrier access codes for non-presubscribed carriers. The FGD plan assumes that carriers have already been assigned four-digit carrier identification codes ("CIC"), which every access purchaser must have in order to obtain FGD access, but Guam is not part of the North American Numbering Plan ("NANP"), despite efforts that have been made for its inclusion.^{26/} Thus, while access

^{25/} As the FCC is aware, the facilities that might become available in connection with the TPC-5, are not yet available, nor are there any facilities available at domestically tariffed interexchange rates.

^{26/} See Administration of the North American Numbering Plan, 9 FCC Rcd 2068 (1994) ("NANP Order").

purchasers must have carrier identification numbers ("CICs") to obtain FGD access, JAMA understands that Guam-based carriers have not received the necessary CICs to date.

Moreover, while the Commission has recommended a gradual conversion to the new four-digit CIC codes for the entire domestic system, Guam seems to be subject to a "flash-cut" conversion.^{27/} JAMA is concerned that the Commission has not sufficiently considered these issues and the need for an appropriate transition. Thus, JAMA urges the FCC to examine the market realities that consumers and carriers will face and consider whether the public's interest truly will be served by the zeal to achieve "equal access." Indeed, JAMA submits that the push towards this access is anything but "equal."

Likewise, the FCC should consider that a robust 800 service and the goal of 800 number portability are not attainable at this time without integrated rates. These services are now prohibitively expensive for businesses to utilize due to the discriminatory rates now in effect under the international ratemaking principles. Therefore, as a practical matter, few 800 numbers are really useful to residents of Guam, isolating them from the wide range of communications services available to United States citizens elsewhere -- including those on other offshore points. Such a result is directly contrary to the FCC's stated goal of ensuring that all citizens of the United States, regardless of where they reside, have access to efficient telecommunications services at reasonable rates.^{28/}

^{27/} See FGD Order at 4894 ¶ 20 ("the benefits of FGD should be available to the people of Guam, and those calling Guam, as soon as possible.") (emphasis supplied).

^{28/} See, Section 1 of the Communications Act, 47 U.S.C. Section 151.

III. THE COMMISSION SHOULD COORDINATE IN A REASONED MANNER ALL RELEVANT PROCEEDINGS THAT AFFECT TELECOMMUNICATIONS COMPETITION ON OFFSHORE POINTS

As set forth in its initial Petition, JAMA urges the Commission to coordinate the implementation of equal access, the deployment of FGD, and its policies regarding competitive numbering issues for Guam with the institution of rate integration and the availability of adequate facilities to support robust competition. To this end, the Commission should consolidate the records of the three rate integration petitions before it, adopt a process that unbundles the deployment of FGD and conversion to full equal access, and convene a Joint Conference pursuant to Section 410(c) of the Communications Act to address uniformly the issues relating to the Guam telecommunications market.

A. The FCC Should Consolidate the Records of the Pending Rate Integration Petitions

In order to address logically the rate integration issues before it, the FCC should consolidate the records of the rate integration petitions that are currently pending.^{29/} Once the records are consolidated, the Commission should thereafter issue one Notice of Proposed Rulemaking seeking to implement simultaneously rate integration for Guam and the CNMI. Such a process would foster principles of administrative efficiency, as it would coordinate logically related proceedings, and would help to ensure that related issues would be addressed in a comprehensive, rather than piecemeal, fashion.

Moreover, consolidation would also be consistent with the manner in which the FCC has previously viewed these two geographic areas. Thus, in auctioning off PCS licenses, the

^{29/} See n. 1, *supra*.

FCC combined as a single MTA Guam and the CNMI. As such, the FCC should act accordingly in this case.

B. The FCC Should Immediately Freeze the Status Quo and Adopt a Process that Unbundles the Deployment of FGD and Conversion to Full Equal Access

Given the fact that the FCC cannot truly attain equal access until it implements rate integration, JAMA urges the FCC to act immediately to "freeze" the status quo so that there will not be adverse consequences for telecommunications consumers on Guam. As such, JAMA urges the FCC to adopt instead a process whereby GTA's progress in deploying the FGD protocol is unbundled from the final conversion to an equal access regime. In effect, the FCC would bifurcate the equal access conversion into two stages – one that could continue to occur now and one that would occur once rate integration has been achieved. In this manner, there will be coordinated and rational progress towards the FCC's articulated policy goals.^{30/}

In this regard, the FCC should explicitly find that Abbreviated Dialing Arrangements ("ADAs") can bring the benefits of competition to the people of Guam without the disruption of flash-cut conversion to FGD with presubscription and balloting. Indeed, the FCC has explicitly and expressly recognized that ADAs can bring benefits to the public.^{31/} In fact,

^{30/} The FCC should also apply such a policy to the CNMI. In doing so, the Commission should state that the CNMI can use Abbreviated Dialing until such time as rate integration is effectuated. Only at such time would there then be presubscription and balloting. In this way, the people of the CNMI would get the true benefits of competitive domestic policies.

^{31/} See In the Matter of Abbreviated Dialing Arrangements and the Application of Premium Access Charges in Docket 78-72, Phase III, 2 FCC Rcd 6758 (1987); In the Matter of Inquiry into Policies to be Followed in the Authorization of Common Carrier Facilities to Provide Telecommunication Service Off the Island of Puerto Rico, 2 FCC Rcd 6600 (1987).

JAMA submits that given the discriminatory situation with respect to telecommunications rates for Guam today, such is the only fair and equitable process that the FCC can pursue.

Under such a bifurcated process, the FCC would hold that GTA is not under an obligation to proceed with its equal access/ FGD conversion until rate integration is implemented. Thus, GTA should not be required to file access tariffs that are based upon a domestic regime until there is truly a domestic model in place. Instead, GTA could deploy the FGD protocol insofar as it will enable GTA to measure, bill and collect for the services it renders. Such action would also facilitate the equal interconnection of interexchange carriers. What GTA would not be obligated to do, however, is engage in a "flash-cut" to a regime that makes no sense given the current regulatory situation on Guam.

In accordance with this bifurcation proposal, the FCC should also find that there are several types of ADAs that will further the public interest. This is especially compelling given that GTA's current Northern Telecom DMS-100/200 switch has software applications capable of providing three types of abbreviated dialing arrangements.^{32/} Thus, the FCC's concern regarding the limitations of the existing protocol are unfounded.^{33/} Again, this action would allow the FCC to create an environment that will facilitate competition in a fair and rational manner.^{34/}

^{32/} See Northern Telecom Practice 297-2101-011, Equal Access Software Applications, attached hereto as Attachment A, at 2 (three types of abbreviated dialing can be offered).

^{33/} The FCC has stated its concern that only a limited number of interexchange carriers can be accommodated without conversion to FGD and 1+ dialing. See FGD Order at 4891 ¶¶ 6-7.

^{34/} Significantly, it is only in this manner that interexchange carriers will have the benefit of cost-based access tariffs and equal interconnection in a coordinated process.

Such a process will also afford the FCC sufficient time to coordinate the many other relevant issues. For instance, the Commission should require the North American Numbering Plan Administrator to bring Guam within the NANP and issue the CICs needed to implement GTA's Tariff No. 1, Transmittal No. 9.^{35/} Likewise, the FCC could articulate further its intentions for Guam with respect to the 800 services, as today, these are not truly viable for Guam. Most importantly, this process would allow the FCC to attain rate integration prior to proceeding so that the benefits of its domestic policies are genuinely available. To do otherwise, is to put the cart before the horse.

C. The FCC Should Convene a Joint Conference Under Section 410

Finally, the Commission should convene a Joint Conference pursuant to Section 410 of the Communications Act. Numerous requests have been made to this end.^{36/} If the FCC is truly serious about bringing Guam wholly within the domestic regime and rationalizing the telecommunications structure under which it operates, it must recognize that it is not only an FCC endeavor.

Further, by utilizing a Joint Conference, the FCC will reap the administrative efficiency benefits of less formal procedures than are required for a Joint Board. As such,

^{35/} The FCC has the authority to take such action, consistent with its plenary jurisdiction under Sections 152(a) and 201(a) of the Communications Act of 1934, 47 U.S.C. §§ 152(a), 201(a) (Commission has plenary jurisdiction to oversee all interstate and foreign telecommunications originating from or received within the United States, and the "facilities and regulations" for operating "through routes" of physical interconnection between carriers.) See also United States v. Southwestern Cable Co., 392 U.S. 157 (1968). ("Nothing in the language of . . . the Act's history or purpose limits the Commission's Authority to those activities and forms of communication that are specifically described in the Act's other provisions.")

^{36/} See, e.g., Request of Guam PUC, July 28, 1992.

the FCC can expect a much more efficient and expeditious resolution of the issues. JAMA therefore urges the FCC to commence immediately the processes necessary for such a Joint Conference.^{37/}

IV. CONCLUSION

For the foregoing reasons, JAMA Corporation respectfully urges the Commission to issue a Notice of Proposed Rulemaking seeking to incorporate Guam and the CNMI into the domestic rate integration framework and extend the full benefits of a competitive telecommunications policy to all United States citizens. Further, JAMA requests that the FCC immediately issue all necessary orders to implement rate integration in a coordinated manner, including orders bifurcating the equal access conversion process.

Respectfully submitted,



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^{37/} See 47 U.S.C. § 410(c) (West 1988 and Supp. 1995).

Equal access software applications

The software feature packages that are provisioned to implement equal access (EA) vary depending on the office application. For example, if the office is an end office (EO), the Equal Access End Office feature package must be provisioned to change the EO to an equal access end office (EAEO). To provide EA capabilities to a tandem office, the Access Tandem feature package must be provisioned. These are the base feature packages for EA. Other feature packages may be required to accommodate services such as TOPS, Cellular, S97, and WATS.

This chapter describes EA software features and feature packages that are available for DMS-100, DMS-200, and DMS-100/200 switches.

The chapter is divided into five sections:

- Σ equal access end office packages
- Σ equal access Tandem Office packages
- Σ TOPS equal access features
- Σ additional equal access packages
- Σ equal access enhancements for BC933

For further information refer to 297-2101-1 10, *Equal Access Planning and Engineering Guide* and 297-2101-352, *Equal Access Translation Guide*.

Equal access end office packages

The following section describes software packages designed to work in an EAEO environment.

Equal Access End Office

This is the basic EA package for EOs. It allows an Operating Company (OC) to implement five plans for EA that support the requirements to provide IntraLATA Carriers (ICs) and International Carriers (INCs) with access to the Local Access Transport Area (LATA) subscribers.

Key features of the The EABO package include the following:

- Σ **EABO Translation and Carrier Screening:**
provides the DMS-100 with EA capabilities for the Plain Old Telephone Service (POTS) environment including
- Σ **EABO Trunk to AT and IC:**
implements four trunk configurations to ATs and ICs
- Σ **EABO New Trunk:**
provides additional treatment for failure conditions
- * Σ **EABO Originating and Terminating Billing:**
generates originating and terminating access records in the EA environment. Originating records are created for all outgoing EA calls routed either directly to an IC/INC or indirectly through an AT. Terminating access records are created for all completed EA calls routed directly to the EABO from an IC/INC on ATC trunk groups.
- Σ **EABO Abbreviated Dialing:**
allows three types of Abbreviated Dialing (AD) to access an IC/INC. The AD classification is determined by the digits dialed.
- Σ **Feature Group C and D Compatibility:**
allows the DMS-100 to translate the EAP prefix dialed by the subscriber or added by system software, select a route to Feature Group C carrier (FGC OCC), and output the appropriate digits.
- Σ **EA on IBNDATAPATH:**
allows IBN stations and incoming trunks to function in the EA environment. IBN stations can be either Private Business Exchange (PBX) or CENTREX configuration.
- Σ **EA Expanded Toll Denial:**
blocks calls to carriers defined as toll denied based on the characteristics of the call.
- Σ **EA 00 Mins Dialing Routed Via PIC:**
allows an OC to route 00- calls using different routes, depending on the line type of the calling party (for example, coin line or single-party line).
- Σ **EABO P2 (FX) Trunk Compatibility:**
modifies the trunk group data in translation tables by adding fields that provide EA capabilities to P2/FX trunks.
- Σ **Corridor Call Routing and Billing:**
provides for the following types of calls: corridor, privilege, and non-EA. These calls are allowed from all types of originators that are permitted to make EA calls. Included are line originators, incoming IBN trunks, data units, business sec., and PBX (P2/FX) trunks.
- Σ **EA Optional SAC Codes:**
allows the OC to specify SAC. The codes are defaulted by entering a valid NQIX code in Table EASAC.

CERTIFICATE OF SERVICE

I, Cheryl S. Flood, do hereby certify that on this 15th day of August, 1995, a copy of the foregoing Comments of JAMA Corporation was served either by first class mail, postage prepaid, or hand delivery (*) on the following:

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