

12/17/96

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

Reinstatement of the Commission's)
Forbearance Policy With Regard)
To Tariff Filing Requirements) CC Docket No. 93-36
For Nondominant Carriers)

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Comments of AT&T Corp.

Pursuant to Section 1.405 of the Commission's rules, § 47 C.F.R. 1.405, AT&T Corp. ("AT&T") hereby comments on the petition ("Petition") of Hyperion Telecommunications, Inc. ("Hyperion"), filed February 15, 1996. The Petition (p. 1) asks the Commission to exercise its discretion under new Section 10 of the Communications Act and "reinstate its forbearance policy with regard to tariff filing requirements for nondominant carriers."

AT&T strongly supports efforts to reduce regulation whenever market forces can produce the benefits of competition for customers. The forbearance authority granted to the Commission under Section 10 requires the Commission to refrain from applying tariffing requirements to carriers that lack market power. As AT&T has recently shown, a permissive detariffing policy for nondominant carriers furthers the pro-competitive, deregulatory purposes of the Telecommunications Act of 1996 ("1996 Act"), and affords nondominant carriers and their customers the maximum flexibility to determine the optimal form for their service

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arrangements. Moreover, permissive detariffing is the only detariffing policy consistent with the 1996 Act.¹

Accordingly, the Commission should grant the Petition to the extent that it seeks the establishment of a permissive detariffing rule for nondominant carriers.² The Commission should, however, continue to require carriers with market power -- such as incumbent LECs -- to continue file tariffs for all telecommunications services, because

¹ In the Matter of Policy and Rules Concerning the Interstate, Interexchange Marketplace, CC Docket No. 96-61, Comments of AT&T Corp., filed April 25, 1996, pp. 3-20.

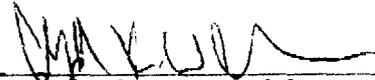
² The Petition (p. 1) identifies Hyperion as a "competitive access provider," but neither the 1996 Act nor the Commission's rules define that term. For purposes of applying the tariff filing requirements of the 1996 Act, the Commission's policies and rules distinguish between carriers with and without market power. The latter include Incumbent Local Exchange Carriers, as defined by the 1996 Act.

tariffs remain essential to ensure that such carriers comply with their substantive obligations under the Act.

Respectfully submitted,

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By



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Dated: May 23, 1996

CERTIFICATE OF SERVICE

I, Karen Gillis, do hereby certify that on this 23rd day of May, 1996, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the parties listed below:

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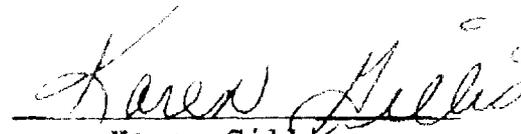
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