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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

In the Matter of)	
)	
Implementation of the Non-Accounting)	
Safeguards of Sections 271 and 272)	CC Docket No. 96-149
of the Communications Act of 1934, as)	
amended;)	
)	
Bell Atlantic's Offer of Comparably)	
Efficient Interconnection to Providers)	CCBPOL. 96-09
of Enhanced Internet Access Services)	DA 96-355
)	
)	DOCKET FILE COPY ORIGINAL
Southwestern Bell Telephone)	
Company's Comparably Efficient)	CC Docket Nos. 85-229, 90-623
Interconnection Plan for the Provision)	and 95-20
of Internet Support Services)	DA 96-1031
)	

**MFS COMMUNICATIONS COMPANY, INC.'S
RESPONSE TO COMMENTS OF SOUTHWESTERN
BELL TELEPHONE COMPANY IN OPPOSITION TO
PETITION TO CONSOLIDATE PROCEEDINGS**

MFS Communications Company, Inc. ("MFS") submits this brief response to Southwestern Bell Telephone Company's opposition to MFS's Petition to Consolidate.

The Commission's Computer III and CEI rules govern the joint provision of information services and telecommunications services by Bell Operating Companies. Obviously, those rules have been superseded by the statutory requirements of the Telecommunications Act, particularly the separate subsidiary requirements of Sections

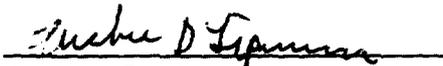
271 and 272. MFS objects to Bell Atlantic's provision of Internet services (Docket CCBPol 96-09) on an integrated basis largely because it ignores the separate subsidiary requirements of the Telecommunications Act for interLATA services and interLATA information services. In contrast, Southwestern Bell Telephone proposes to offer Internet services through a separate subsidiary (Dockets 85-229, 90-623 and 95-20). Since the Commission has not determined its Section 272 rules, it is difficult, if not impossible, to determine whether Southwestern Bell's proposal complies with the Telecommunications Act. The common issues presented by these dockets include: what is the appropriate classification of Internet services, is a separate subsidiary required for the Internet services offered by Bell Operating Companies, and under what conditions may Bell Operating Companies or their affiliates provide Internet services? These are all issues in Docket 96-149. Independently analyzing whether selected Internet offerings comply with the old CEI requirements in separate dockets is an empty, inefficient exercise.

Until the Commission develops its rules interpreting the Section 272 requirements of the Telecommunications Act that apply to interLATA services and interLATA information services, it is administratively inefficient and illogical to proceed with dockets focused on whether the Internet proposals by Southwestern Bell and Bell Atlantic comply with the Computer III and CEI requirements that obviously have been superseded by the Telecommunications Act. If the Commission adopts separate subsidiary rules for interLATA information services (which include Internet services) in docket 96-149, it (or the Bureau) will have to revisit any CEI decisions the Bureau might render for Bell Atlantic or Southwestern Bell's Internet offerings. Consolidation is appropriate.

Southwestern Bell whines about MFS's petition to consolidate claiming that it is an attempt to "stay" Bureau approval of Southwestern Bell's CEI Plan. Southwestern Bell fails to mention that, according to its CEI Plan, it is seeking Bureau approval so that it can offer Internet services before the year's end. Thus, Southwestern Bell does not now offer Internet services, and its marketing efforts are several months away. Consolidation would not harm or delay Southwestern Bell's efforts to market its Internet services. Indeed, Southwestern Bell's competitive activities would be frustrated more by a Bureau CEI decision that authorized Southwestern Bell to proceed with its Internet offering under the old CEI rules if the Bureau's decision had to be reversed, revised or revisited as a result of the Commission policy decisions in docket 96-149. Consolidation is the only logical, efficient way to proceed.

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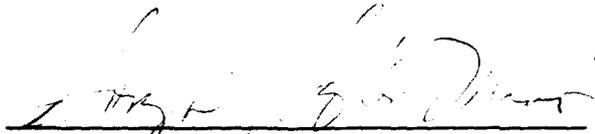
Attorneys for
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Dated: August 7, 1996

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August 1996, copies of the foregoing MFS COMMUNICATIONS COMPANY, INC.'s RESPONSE TO COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY IN OPPOSITION TO PETITION TO CONSOLIDATE PROCEEDINGS; CC Docket No. 96-149; CCB Pol. 96-09, DA 96-355, CC Docket Nos. 85-229, 90-623 and 95-20, DA 96-1031 were served via First-Class mail or via Messenger* to the parties on the attached service list.



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