

The Honorable Reed E. Hundt
April 25, 1997
Page two

- the resale obligations of Section 251(b)(1) apply to "telecommunications services" (some LECs are already attempting to use this definition to refuse to permit resale of voice mail);
- the interconnection and unbundled network element ("UNE") obligations of Section 251 are available only to "telecommunications" carriers; and
- the pole attachment and rights-of-way provisions of Section 251(b)(4) give access to providers of "telecommunications services."

If ISPs are exempted from universal service obligations on the definitional basis that they are not "providers of telecommunications service," the scope of these and other key provisions of the 1996 Act could be altered dramatically (and, presumably, inadvertently.)

This concern is exacerbated by the application of the Commission's practice of classifying services with any "enhanced" element as an unregulated "non-telecommunications" offering. This policy greatly expands the scope of the definitional approach and opens many opportunities for escaping obligations -- or being denied rights -- under the Act. The numerous ramifications of such a course strongly counsel against it.

If the Commission wishes to exempt ISPs from universal service obligations -- a result CompTel vehemently opposes -- it should at least avoid doing so in way that jeopardizes many other important competitive policy objectives. In the alternative, the Commission should defer this issue until it completes action in its Notice Of Inquiry ("NOI") regarding access charges and information service providers ("ISPs") (CC Docket No. 96-263). Inasmuch as the NOI involves many of the same issues, the Commission could approach this issue in more consistent fashion in the context of that proceeding.

The definitional approach, on the other hand, poses many risks. CompTel urges the Commission to avoid this threat by resisting requests to find ISPs outside the scope of "providers of telecommunications services" under Section 251(b)(4). If the Commission wishes to exempt ISPs from such obligations, it should do so directly, not by distorting important Communications Act definitions.

Sincerely,



James M. Smith
President

Attachment (CompTel Comments in CC Docket No. 96-263)

cc. Commissioner James Quello
Commissioner Susan Niess
Commissioner Rachele Chong

DUPLICATE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

RECEIVED

MAR 24 1997

Federal Communications Commission
Washington, D.C. 20541

In the Matter of)
)
Usage of the Public Switched)
Network by Information Service)
and Internet Access Providers)

CC Docket No. 96-263

TO: The Commission

COMMENTS OF THE COMPETITIVE TELECOMMUNICATIONS ASSOCIATION

The Competitive Telecommunications Association ("CompTel"),¹ by its attorneys, hereby submits comments in response to the Notice of Proposed Rulemaking, Third Report and Order, and Notice of Inquiry (FCC 96-488) [hereinafter "NOI"] released by the Commission in the above-captioned proceeding on December 24, 1996. The NOI (at ¶ 312) asks parties to comment upon whether the Commission should "consider any additional actions relating to interstate information services and the Internet" once the Commission completes its reform of the access charge system. CompTel recommends that the Commission take the actions necessary to ensure reasonable parity between, on the one hand, the charges paid by information service and Internet access providers to use the local exchange network and, on the other hand, the interstate access charges that other carriers pay for using the same network.

At the outset, CompTel would emphasize that it does not object to the Commission's tentative conclusion in the access reform proceeding (CC Docket No. 96-262)

¹CompTel is an industry association representing approximately 100 providers of competitive telecommunications services.

that information service providers ("ISPs") should not pay interstate access charges "as currently constituted," and that such access charges should not apply to ISPs "at this time." NOI at ¶¶ 283 & 288. The Commission noted, and CompTel agrees, that the access charge system today contains "non-cost-based rates and inefficient rate structures." NOI at ¶ 288. The Commission should fix what is broken in the access charge system, not aggravate the damage that system is inflicting upon the industry and consumers by extending it to previously exempt carriers. Therefore, CompTel has not asked the Commission to remove the exemption that ISPs enjoy under the current access charge system.

At the same time, once the Commission has fashioned a more efficient and cost-oriented access charge system in CC Docket No. 96-262, there is no longer any justification for exemptions from access charge obligations based upon the nature of the carrier using the local exchange network. The Commission itself has recognized that the ISP exemption was intended to be temporary when it was first adopted in 1983, and that ultimately all rates paid by carriers for using the local exchange network should "converge." NOI at ¶¶ 9, 288. After the Commission has reformed the access charge system, it should begin proceedings at once to implement that convergence by ensuring reasonable parity in the access charges paid by all carriers who use the local exchange network to originate or terminate traffic.

After the Commission adopts final rules to reduce the current inflated access charges to more efficient levels, there is no reason to believe that imposing those charges even-handedly upon all carriers who use the local exchange network would increase undue

the access costs of ISPs. In any event, no carrier can reasonably complain about paying the same cost-based access charges that other carriers are paying for the same uses of the local exchange network.² To the extent the Commission harbors rate shock concerns, it should adopt at most a short transition plan to incorporate ISPs into the access charge system.

CompTel categorically rejects the position that particular uses of the local exchange network should be favored through non-cost based access charge exemptions, or that Internet access and other enhanced service providers should pay less for the same use of the same local exchange network than competitive local and long distance carriers. The Commission observed in the NOI (at ¶ 285) that the phenomenal growth of information services might have been stunted if ISPs were required to pay inflated access charges under the system in place since 1983. Yet the Commission ignores the extent to which imposing non-cost based access charges on interexchange carriers for over a decade has impeded the efficient growth and development of long distance services. Any carrier segment will flourish if presented with a non-cost based exemption from paying the costs it imposes upon the network, just as any carrier segment will be stunted if forced to pay rates far higher than the costs it imposes upon the network. Rather than try to pick favored technologies, services, or types of carriers, the Commission should adopt an efficient, cost-based access

² The Commission's view that the circuit-switched public network was not designed with information services in mind (NOI at ¶ 311) does not justify permitting ISPs to avoid paying the economic costs they cause by using that network to provide services to end-user subscribers. If an alternative infrastructure would better serve the needs of ISPs and their customers, then the Commission should explore creating efficient incentives for carriers to develop such an infrastructure. However, until such an infrastructure is built, ISPs should pay the economic costs caused by their use of the circuit-switched public network.

charge system for all carriers and permit the marketplace to govern the growth and development of particular market segments.

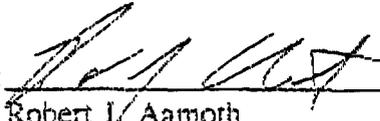
It is not meaningful for the Commission to explore ways to create incentives for efficient investment and innovation in the underlying network (NOI at ¶¶ 283 & 311) in an environment where any significant class of carriers is exempted from paying the economic costs that its use of the local exchange network causes. That is particularly true for Internet access and other enhanced services, which account for a substantial and growing percentage of all traffic routed over local exchange networks. In the NOI (at ¶ 285), the Commission noted that some ILECs have predicted that Internet traffic could represent 25-30% of all local exchange traffic within three years. The Commission cannot keep such a huge traffic stream out of the access charge system without completely undermining the economic efficiency of that system. In recognizing that the future regulatory treatment of enhanced services traffic implicates "no less than the future of the public switched telephone network" (NOI at ¶ 311), the Commission has effectively rebutted any contention that an efficient access charge system can be developed that excludes ISP traffic.

CompTel Comments
March 24, 1997

Therefore, for the foregoing reasons, CompTel submits that the Commission should take the actions necessary to ensure reasonable parity between, on the one hand, the charges paid by ISPs to use the local exchange network and, on the other hand, the interstate access charges that other carriers pay for using the same network.

Respectfully submitted,

Genevieve Morelli
Executive Vice President and
General Counsel
Competitive Telecommunications
Association
1900 M Street N.W., Suite 800
Washington, D.C. 20036
(202) 296-6650

By: 

Robert J. Aamo
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036
(202) 955-9600

Date: March 24, 1997

CERTIFICATE OF SERVICE

I, Marlene Borack, hereby certify that I have caused a copy of the foregoing "Comments of the Competitive Telecommunications Association," to be served on this 24th day of March 1997, via hand delivery, upon the following:

James Schlichting, Chief*
Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Competitive Pricing Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Tom Boasberg, Legal Advisor
to Chairman Hundt
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

James Coltharp, Legal Advisor
to Commissioner Quello
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

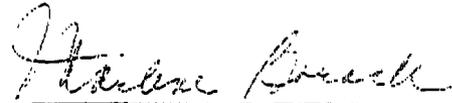
Daniel Gonzales, Legal Advisor
to Commissioner Chong
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

James L. Casserly, Legal Advisor
to Commissioner Ness
Federal Communications Commission
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Regina Keeney, Chief*
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

A. Richard Metzger, Jr.*
Deputy Bureau Chief, Operations
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
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ITS, Inc.*
2100 M Street, N.W.
Room 140
Washington, D.C. 20037


Marlene Borack
Marlene Borack



BROAD RIVER ELEMENTARY SCHOOL

Rt. 3, Box 357
Beaufort, SC 29902
(803) 525-4300

DUCKET FILE COPY ORIGINAL

CC 96-45

Melissa Patterson-Sheppard
Principal

EX PARTE OR LATE FILED

Mark Mansell
Assistant Principal

RECEIVED

MAY 1 1997

Federal Communications Commission
Washington, D.C.

Rachelle B. Chong, Commissioner
Federal Communications Commission
1919 M Street, N.W. Room 844
Washington, D.C. 20554

Dear Commissioner:

We are currently teachers in the Beaufort County School District, Beaufort County, SC. We would like to share with you our desire that you continue to support affordable access to the Information Superhighway through the Telecommunications Act and the Federal-State Joint Board discount plan to schools. Your support of the discount plan will guarantee that even the poorest schools will have the opportunity to connect to the Internet and provide distance learning opportunities.

In order to ensure that all of our students have the opportunity to learn, services directly to the classroom are needed. Your inclusion of internal classroom connections for discounts is very important to preparing our students for the world of tomorrow. Our school is undergoing a technology integration plan which will ensure access to a variety of multi-media opportunities. We need the deep discounts in telecommunications in order to continue to provide them with informational access that will prepare them for the future. We strongly urge the FCC to fully support the Joint Board's discount plan for universal service for schools.

Thank you.

Sincerely,

Faculty of Broad River Elementary School:

M. Sheppard	W. McAnany	Karen D. Shinnery
Syn. Patten	A. Bambis-Wesner	[Signature]
Patey Bishop	Nikell H. Baldwin	Christina Melancon
Mary Ann	Mrs. Myra St. Pater	Jia Sampson
[Signature]	Gayle Holliday	[Signature]
[Signature]	[Signature]	[Signature]

Bessie, Thomas

Jackie Mitchell

Gary R Rokstraw

Lana Hank

Maureen Heaton

Karen Patterson

Patricia D. Hilt

Rose Mary Williams

Barbara Kelly

Dorothy White

Dianne Cape

Doreen Schick

Mae Blabe

CC96-45



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APR 28 4 24 PM '97

DOCKET FILE COPY ORIGINAL

Melissa Patterson-Sheppard
Principal

Mark Mansell
Assistant Principal

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James Quello, Commissioner
Federal Communications Commission
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Lyn Patten *Mikell H. Baldwin* *Al...*
Patsy Bishop *Mrs. Myra M. Parker* *Via Sampson*
Mary G... *Harriet Luce* *Jonya S. Bradley*
W. ... *Gayle O. Heilday* *Beverly Thomas*

Jeani Mitchell

Gary R Rokstran

Lada Hane

Diane Heaton

Karen Patterson

Patricia D Hinton

Rosemary Williams

Trina Hill

Beverly White

Dianne Capen

Janice Bisher

Glenn Barton

Mae Blake



RECEIVED

MAY 1 1997

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

MEMORANDUM

Cecil H. Underwood
Governor

Joan E. Ohi
Secretary

EX PARTE OR LATE FILED

TO: Reed E. Hunt, Chairman
Federal Communications Commission

FROM: Isiah C. Lineberry, Director *Isiah Lineberry*
Office of Rural Health Policy

DATE: April 28, 1997

RE: 1996 Telecommunications Act

Post-It™ brand fax transmittal memo 7571		# of pages = 6
To <i>Lygia Ricciardi</i>	From <i>Isiah Lineberry</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>202-418-2807</i>	Fax #	

Please find attached a copy of the West Virginia Department of Health and Human Resources' Summary of Recommendations of West Virginia's official comments on the 1996 Telecommunications Act. The full comments were submitted to the West Virginia Public Service Commission on February 21, 1997, regarding rural health care providers, universal service and the 1996 Telecommunications Act.

The recommendations contained in the Summary of Recommendations reflect West Virginia's view of the issues that are most important for rural health care and telecommunications in our state. It is our hope that both the Federal Communications Commission and the West Virginia Public Service Commission will adopt the recommendations.

Thank you for your consideration of these recommendations. If additional clarification or comments are needed, please feel free to contact me at (304) 558-1327.

ICL/mh

Attachment

- cc: Dave Forinash
- Henry G. Taylor, M.D., M.P.H.
- Mary J. Huntley, M.P.H.
- Sarah Brack
- Dan Christy
- Chris Godfrey

BUREAU FOR PUBLIC HEALTH
Office of Community & Rural Health Services
OFFICE OF RURAL HEALTH POLICY
1411 Virginia Street, East
Charleston, West Virginia 25301-3013

Phone: (304) 558-1327

FAX: (304) 558-1437



STATE OF WEST VIRGINIA
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STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

MEMORANDUM

Cecil H. Underwood
Governor

Joan E. Ohi
Secretary

TO: James Quello, Commissioner
Federal Communications Commission

FROM: Isiah C. Lineberry, Director
Office of Rural Health Policy

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**West Virginia Department of Health and Human Resources
Summary of Recommendations
to the
West Virginia Public Service Commission
RE: Rural Health Care Providers, Universal Service and the 1996
Telecommunications Act**

RECOMMENDATIONS

1. Appropriate Rates

Provide distance neutral reduced rates and reduced access charges to rural health care providers for basic and/ or advanced telecommunications services.

2. Local Dial-Up Access

Local access to the Internet must be made available to rural health care providers at local toll-free rates.

3. Infrastructure and Cost

Provide for the cost of extending telecommunications infrastructure to rural communities that would include construction of new or upgrading existing infrastructure.

4. Scope of Available Services

- a. The scope of services should include telehealth services: the transmission of preventive health data, reports of epidemiological investigations, guidelines for delivery of preventive services, training material and professional notices, professional teleconsultation with two-way interactive audio and video, access to health data and information via the Internet and multi-point consultation for emergencies.**

- b. Providers must be able to choose from a growing range of telecommunications services up to the 1.544 mbps ceiling for any health-related applications the provider deems necessary ranging from dial-up to ATM.**

5. Definition of Rural Health Care Provider

The definition of rural health care provider should be broadly inclusive to embrace: hospitals, primary care, local health, nursing homes, personal care homes, behavioral health, home health, hospice, emergency medical services, medical schools and the Department of Health and Human Resources.

6. Designation of Rural Areas

Modification should be made to the Office of Management and Budget's designation of metropolitan and non-metropolitan counties to identify small towns and rural parts of metropolitan counties that do not have easy access to central areas.

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Public Health Service

National Institutes of Health
National Library of Medicine
Bethesda, Maryland 20894

Fax Transmission Sheet

To: Lygia Riccardi
Fax #: 202-418-2807
Re: Local Internet Access in South Carolina
Date: April 25, 1997
Pages: 10, including this cover sheet.

From the desk of...

**Kimberlee Ford for Lois Ann
Colaiani
SECADLO
NLM, Library Operations
8600 Rockville Pike Bldg 38/2W04
Bethesda, Md 20894**

301-496-6922

Fax: 301-496-6923



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

April 17, 1997

National Institutes of Health
National Library of Medicine
Bethesda MD 20894

EX PARTE OR LATE FILED

TO: Kent A. Smith,
Deputy Director, NLM**THROUGH:** Lois Ann Colaianni
Associate Director, LO**FROM:** Sheldon Kotzin
Chief, BSD

RECEIVED

MAY 1 1997

SUBJECT: Local Internet Access in South Carolina

Attached are several items that illustrate the status of local Internet access in South Carolina. We used two methods to capture data.

1. We secured information on the local service areas of Internet providers by accessing their Web Sites or by phone contact. Most local and national providers serving South Carolina counties work through one or more of the state's 25 local telephone companies. The user may sign an arrangement with a provider but it is actually the phone company that provides the link and charges for access, if there is any charge. Our conclusion is that nearly all counties have local Internet service for which there is no local access charge or need for 1-800 service. In counties where no local provider exists, most users can call a site in a nearby county for no charge or for a charge of 25¢ per call.

- a) Map of South Carolina indicating that 18 of 46 counties had MEDLARS users in 1989.
- b) Map of South Carolina indicating that 42 of 46 counties have MEDLARS users in 1997.
- c) Map of South Carolina indicating that 39 of 46 counties have local Internet providers in 1997.
- d) Map of South Carolina indicating that 5 counties with MEDLARS users have no local Internet access.

While this is technically true, users in these five counties can use a local service in a neighboring county. In Dillon County, in the Northeast part of the state, a user can make a local call to Florence to use the Internet. AOL, which serves the entire state, said that this is a local call for most users. For users where the call is not local, they can pay 25¢ per call to the local telephone company to receive an extended local dialing area, and avoid long distance charges.

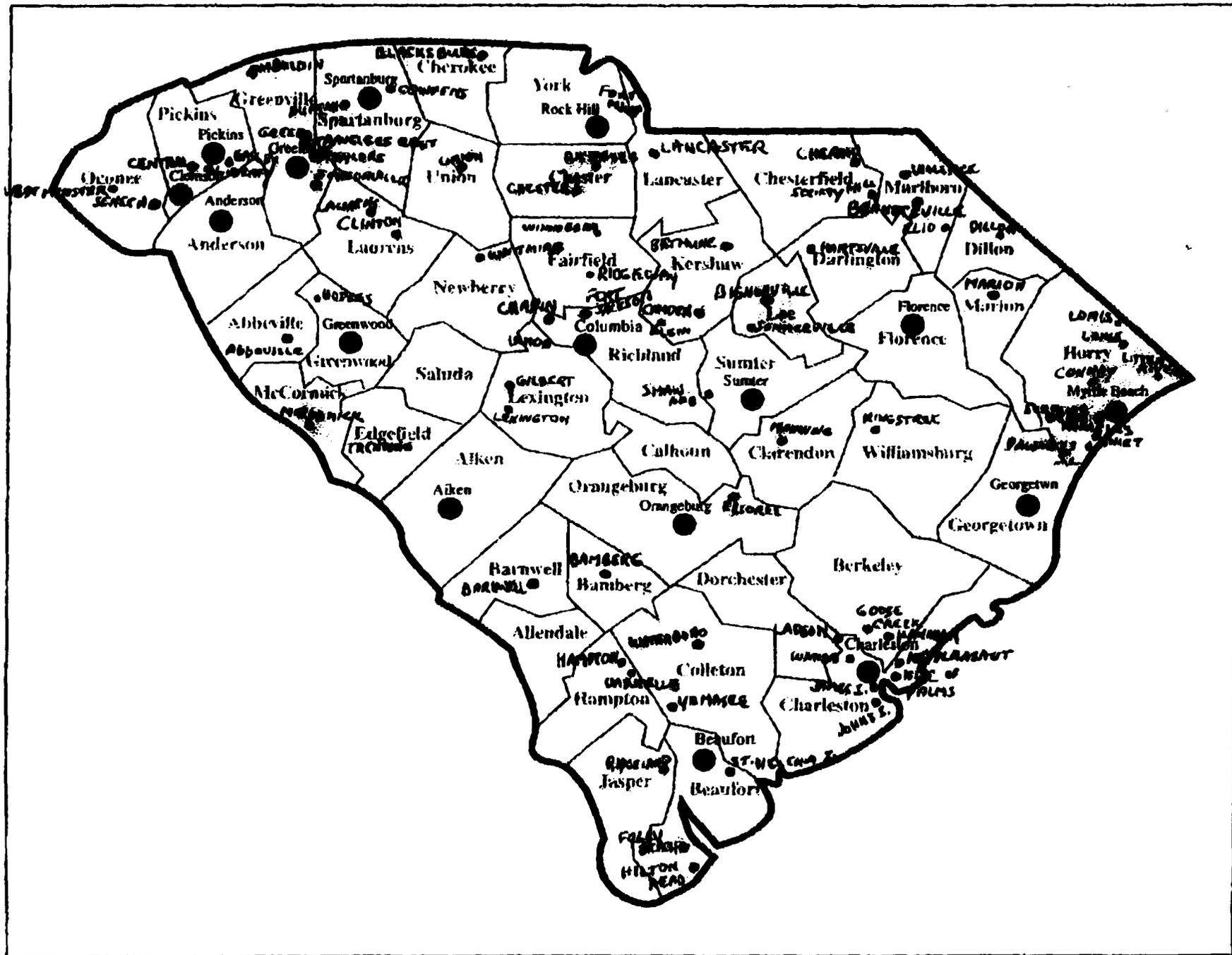
- e) South Carolina has 25 local phone companies serving various areas of the state.

Kent A. Smith
South Carolina Internet Access
Page Two

2. The second method of securing local Internet data was calling users in each city in which a MEDLARS user code existed. The results were disappointing. In about half of the cities we got no answer or our contact did not know if there was a local provider. In the remainder of the cities, access to the Internet was a local call with no additional hourly access charges. Attached is a list of all cities and the responses we received.

Attachments

South Carolina - Counties with MEDLARS Users - 1997



005

NO. 867

MED LIBRARY OPERATIONS → 2024182807

13:57

04/25/97

April 1997

South Carolina-Counties Served by Local Internet Providers



April 1997

South Carolina-Counties with MEDLARS Users/No Local Internet Provider

