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

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Federal Communications Commission
Office of Secretary

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In the Matter of)	
)	
NYNEX Petition For Forbearance)	CC Docket No. 96-149
From Application Of The Communications)	DA 97-1022
Act Of 1934, As Amended, To Previously)	
Authorized Services)	

NYNEX REPLY COMMENTS¹

The few parties² commenting on NYNEX's Petition For Forbearance³ do not disagree that E911 service is vital to the public interest,⁴ and that applying Section 272 structural separation requirements would be detrimental to NYNEX's provision of E911 services on an interLATA basis.

¹ The NYNEX Telephone Companies are New England Telephone and Telegraph Company and New York Telephone Company.

² AT&T, MCI.

³ Filed May 6, 1997.

⁴ As the Commission has previously declared: "It is difficult to identify a nationwide wire or radio communication service more immediately associated with promoting safety of life and property than 911." Revision Of The Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Systems, CC Docket No. 94-102, RM-8143, Notice of Proposed Rulemaking released October 19, 1994, 9 FCC Rcd 6170, para. 7. See also Procedures For Implementing The Detariffing Of Customer Premises Equipment And Enhanced Service (Second Computer Inquiry), CC Docket No. 81-893, Seventh Report And Order released January 23, 1986, 1986 FCC LEXIS 4115, para. 27 ("The Common Carrier Bureau has previously concluded that the provision of 911 emergency service directly promotes the statutory objective embedded in Section 1 of the Communications Act, 47 U.S.C. § 151, of 'promoting safety of life and property through the use of wire and radio communications.'")

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AT&T agrees that, given the “unique nature of 911,” it “would not oppose an appropriate application of the Commission’s forbearance authority” in this matter.⁵

MCI does not oppose forbearance of Section 272 requirements, other than Sections 272(c)(1) and (e) with respect to non-discrimination.⁶ MCI’s opposition in that respect, however, is misplaced and unfounded. Sections 272(c)(1), (e)(2) and (e)(4) are addressed to dealings between the BOC and its Section 272 affiliate. NYNEX’s present Petition For Forbearance seeks authority for the NYNEX BOCs to continue offering interLATA E911 services on an integrated basis, i.e., on a basis not involving dealings between those BOCs and a Section 272 affiliate. Furthermore, although the FCC has concluded that Sections 272(e)(1) and (e)(3) apply even where a BOC does not maintain a separate affiliate,⁷ those provisions relate only to the provision of “telephone exchange service” or “exchange access service.” But to the extent E911 is considered a telephone exchange service or exchange access service, it is not an interLATA information service, and therefore forbearance would not be necessary in this matter; and to the extent E911 constitutes interLATA information service, the Section 272(e)(1) and (e)(3) provisions do not apply. Moreover, the NYNEX Telephone Companies have been providing E911 services on an interLATA basis since before divestiture, with no indication or allegation

⁵ AT&T 2-3.

⁶ See MCI 6-7. MCI asserts (p. 3) that the marketplace cannot be relied upon to prevent discrimination, so that no BOC petition for forbearance from Sections 272(c)(1) and (e) could legally be granted. MCI is mistaken. MCI’s distrust of the marketplace conflicts with the pro-competitive, deregulatory intent of the Telecommunications Act of 1996, and is not germane to the forbearance standards in Section 10 of the Communication Act.

⁷ Implementation Of The Non-Accounting Safeguards Of Sections 271 and 272 Of The Communications Act Of 1934, CC Docket No. 96-149 (FCC 96-489), First Report and Order released December 24, 1996, para. 270.

by parties that there has been discrimination as might be addressed by Sections 272(c)(1) and (e).

In all events, consistent with Section 271 requirements,⁸ NYNEX will not discriminate in the provision of E911 service. To the extent AT&T and MCI make requests going beyond non-discriminatory access to E911 service,⁹ those requests are outside the scope of this matter and should be disregarded.

In conclusion, the Commission should grant NYNEX's Petition For Forbearance.

Respectfully submitted,

The NYNEX Telephone Companies

By: Campbell L. Ayling
Campbell L. Ayling

1095 Avenue of the Americas
New York, New York 10036
(212) 395-8326

Their Attorney

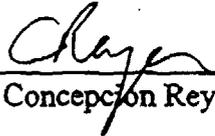
Dated: June 16, 1997

⁸ See Section 271(c)(2)(B)(vii)(1) (BOC-offered access or interconnection must include non-discriminatory access to E911 as a checklist item for long distance entry).

⁹ See AT&T 3 n. 3; MCI 4-5 (MCI seeks ability to "upload MCI's customer records into E911 databases for purposes of delivering 911 calls").

CERTIFICATE OF SERVICE

I, Concepcion Reyes, certify that a copy of the foregoing **NYNEX REPLY**
COMMENTS was served on the parties listed below, this 16th day of June, 1997, by
first class United States mail, postage prepaid.


Concepcion Reyes

Mark C. Rosenblum
Leonard J. Cali
Ava B. Kleinman
AT&T CORP.
295 North Maple Avenue
Room 3252JI
Basking Ridge, New Jersey 07920

Robert M. Lynch
Durward D. Dupre
Michael J. Zpevak
Robert J. Grymala
SOUTHWESTERN BELL TELEPHONE
COMPANY
One Bell Center, Room 3520
St. Louis, Missouri 63101

Frank W. Krogh
Mary L. Brown
MCI TELECOMMUNICATIONS
CORPORATION
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006