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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: CC Docket No. 96-149, Ameritech Petition for Forbearance from Application of §272 to Previously Authorized Services.

Dear Mr. Caton:

Pursuant to a request from Commission staff, Ameritech is submitting the attached information in support of its above-captioned petition for forbearance.

If you have any questions, please call.

Michael S. Pabian
ma

cc: Janice Myles
William Kehoe
AT&T
MCI

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Ameritech's Provision of E911 Service and Telecommunication Relay Service with Certain InterLATA Components

I. INTRODUCTION.

Ameritech[1] has requested the Commission to forbear from applying §272 of the Telecommunications Act of 1996 to its provision of E911 service and telecommunications relay service ("TRS") with certain interLATA components. This submission will provide additional information in support of that petition.

In its order concerning the non-accounting safeguards applicable to the BOC provision of interLATA and manufacturing services,[2] the Commission concluded that BOCs may continue to provide "previously authorized" interLATA services without having to obtain §271 authorization from the Commission.[3] However, the Commission has interpreted §272(a)(2)(B) to exempt from §272 separate affiliate requirements only those previously authorized interLATA services that are telecommunications services.[4] While previously authorized

[1] Ameritech means: Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

[2] *In the Matter of Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended,* CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, FCC 96-489 (released December 24, 1996) ("Non-Accounting Safeguards Order").

[3] *Id.* at ¶77.

[4] *Id.* at ¶78.

interLATA information services may continue to be offered, they are nonetheless subject to the separate affiliate requirements of §272.[5]

The Commission has heretofore never concluded that either E911 service or TRS are "enhanced services" for the purpose of imposing any sort of "safeguard." Yet, there are certain characteristics of these services that have lead some to conclude that they might be categorized as "information services."

In the case of E911 service, the public service answering point ("PSAP") -- which is run by the local municipality to dispatch emergency personnel -- retrieves from a database the location of the telephone from which the party is calling. If the database is a LATA different from the PSAP and if a BOC also provides the interLATA communications link, this might be viewed by some as an interLATA information service.[6]

Similarly, in the case of TRS, the trained communication assistant ("CA") at the relay center ("RC") acts as a transparent conduit between the calling and called parties, one of whom uses a teletypewriter or a telecommunications device for the deaf ("TDD") and the other party who is not speech or hearing impaired. The performance of this "conduit" function might also be interpreted by some to be an information service.

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[5] *Id.* at ¶79.

[6] If a BOC carries the call from the party in distress to the serving PSAP across LATA boundaries, this would constitute interLATA telecommunications for which no separate affiliate is required (assuming the arrangement has been previously authorized).

In the case of Ameritech-provided TRS, even though Ameritech does not carry the call between the calling and called parties between LATAs, the connection to the RC is at times an interLATA link. This aspect of the service could be viewed as an interLATA information service.

Nonetheless, the decision as to whether TRS constitutes an information service should be tempered by the actions of Congress and this Commission with respect to TRS itself. In particular, in 1990, Congress passed the Americans with Disabilities Act of 1990 ("ADA"). As the Commission itself found, Title VI of the ADA intended to extend "universal service" to the speech and hearing disabled and that Congress intended that TRS providers "have the same service obligations as common carriers generally."[7] Moreover, §225(a)(3) of the Communications Act of 1994 and the Commission's own TRS rules[8] expressly denominate TRS as "telephone transmission services." That being the case, it is likely that Ameritech needs no specific forbearance from the requirement of §272 for the provision of TRS with the interLATA links as described above.

[7] *In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990,* CC Docket No. 90-571, Report and Order, FCC 91-213, 6 FCC rcd. 4656 (released July 26, 1991) ("TRS Order") at ¶¶2, 15.

[8] §64.601(7).

II. E911 SERVICE.

A. Service Description.

It is indisputable that E911 service is vital to the public safety and well-being. There can be no question that it would not be in the public interest to jeopardize continuation of this service. The service could would well be jeopardized, however, if the Commission were to maintain that the §272 separate affiliate requirement should apply where a BOC provides E911 service including an interLATA database query.

To understand the context of this interLATA data query made in connection with E911 service, it is important to understand the routing of an E911 call. In the case of Ameritech, an E911 call moves from the central office to a tandem office (which may or may not be located within the same LATA) that is designated as the E911 tandem. The E911 tandem routes the call to the PSAP run by the local municipality with responsibility for coverage of the particular household or business that originates the call. While the local E911 dispatcher is talking to the caller, a query automatically is sent to a centralized database that sends back a message providing the caller's address and location allowing dispatch of emergency personnel to the correct location as quickly as possible.[9] Diagram A

[9] In addition to providing location information to the PSAP, the centralized database also provides the local E911 tandem with a daily update of "routing tables." These routing tables assure that, for central offices that serve customers in more than one municipality, the correct PSAP receives the call. For example, the central office in Dublin, Ohio has customers that live in four different counties, with four different emergency response organizations. Sending a call to the wrong 911 center could significantly affect response time.

depicts an intraLATA E911 call with an interLATA database query. The PSAP may be located in a LATA different from the one in which the 911 caller (see Diagram B).

Routing of an Emergency Call and Query

Diagram A

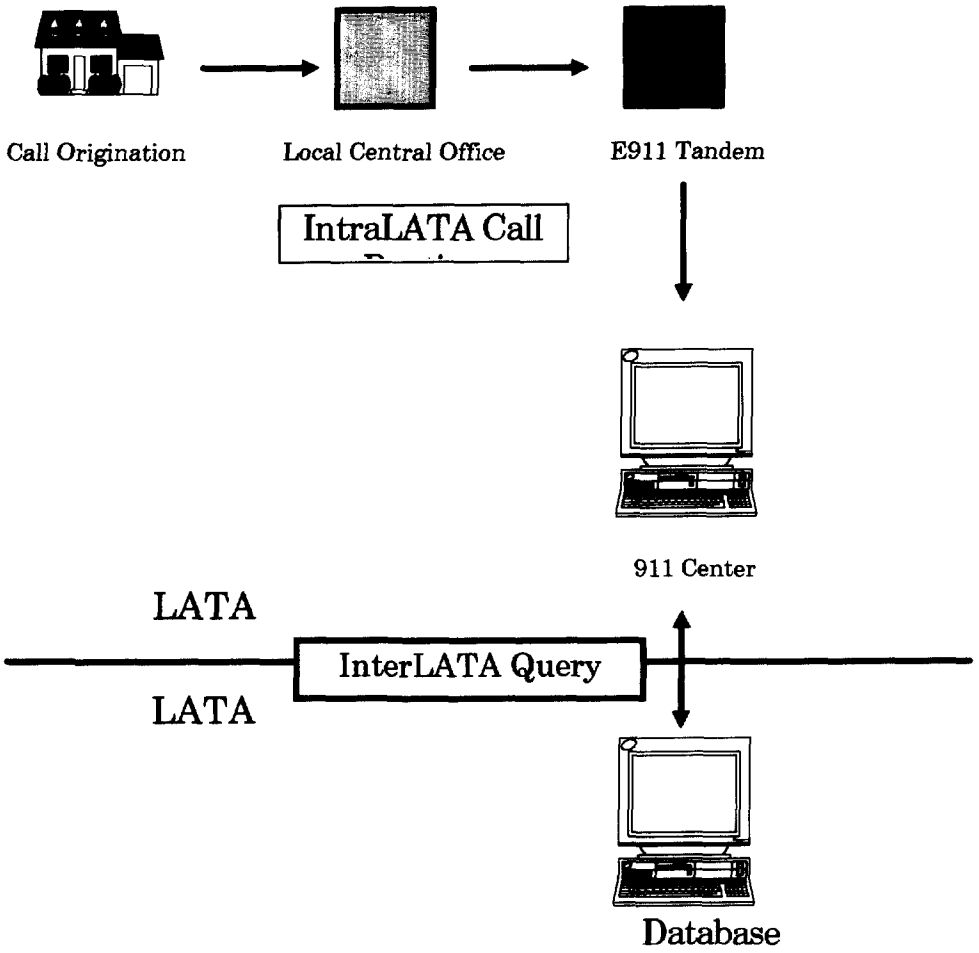
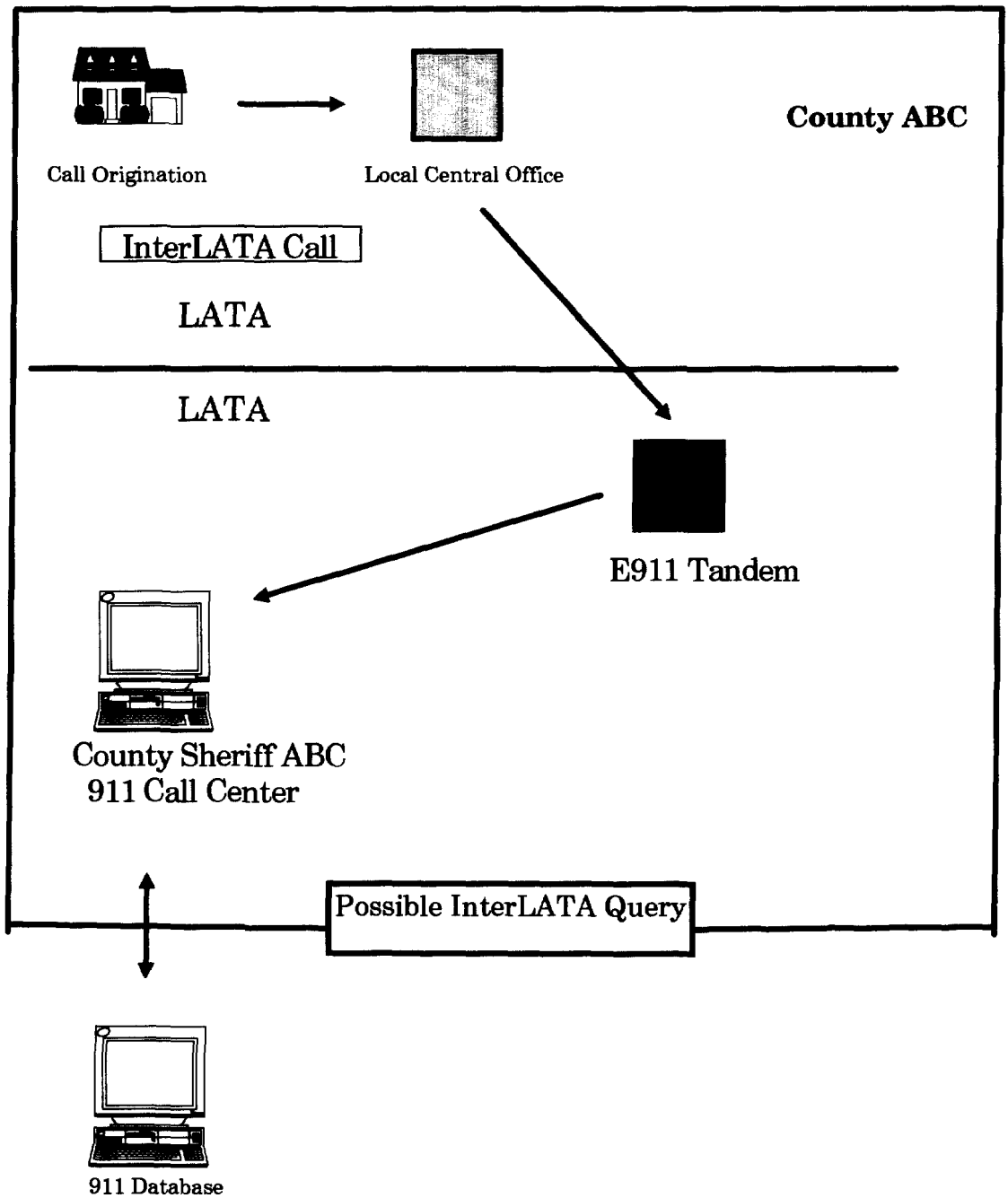


Diagram B


County ABC
Call Origination
Local Central Office
InterLATA Call
LATA
LATA
E911 Tandem
County Sheriff ABC
911 Call Center
Possible InterLATA Query
911 Database

In reliance on the MFJ Court's waiver, Ameritech has developed a centralized and integrated E911 service architecture involving four pairs of E911 databases located throughout the Ameritech service area, with each pair serving PSAPs in multiple LATAs. Each pair of databases provides municipalities fault tolerant hardware, network diversity, system reliability and data redundancy -- key components of this critical service. Centralizing the database function also allows municipalities to benefit from economies of scale and permits economical redundant database alternatives to assure uninterrupted service.

B. Forbearance from the Separate Subsidiary Requirements of §272 is Justified for Ameritech's Provision of PSAP Access to E911 Database Information over InterLATA Links.

Application of the §272 separate affiliate requirement to those situations in which Ameritech provides PSAP access to E911 databases over interLATA links is not necessary to ensure that Ameritech's charges, practices, classifications, or regulations in connection with telecommunications services are just, and reasonable. All telecommunications services provided in connection with E911 service by Ameritech (except, of course, for any interLATA links which Ameritech cannot provide) are offered to third parties under terms and conditions that are tariffed or otherwise subject to oversight by state commissions. That oversight includes all of Ameritech's E911 applications -- not just those with an interLATA link between a PSAP and the E911 database. And there has been no showing by any party that the oversight is in any way inadequate.

Further, enforcement of the §272 requirement is not necessary for the protection of consumers for the very same reason -- *i.e.*, Ameritech's provision of E911 related services is subject to state commission oversight. The application of §272's separate affiliate requirement for those instances in which Ameritech-provided E911 service involves a PSAP in a LATA different from its serving E911 database will do nothing to increase the protection of consumers.

Finally, enforcement of the §272 separate affiliate requirement for those situations in which Ameritech-provided E911 service involves a PSAP in a LATA different from its serving E911 database would not be consistent with the public interest. In fact, application of the requirement under these circumstances would be completely contrary to the public interest since it would preclude the cost savings involved in the current service configuration in which E911 tandems also function as local switching facilities for Ameritech's local exchange operations. In other words, if the Commission were to require separate facilities for these E911 calls, the service could only be provided at much greater expense. In addition, the introduction of separate facilities, of necessity, would involve the introduction of additional potential points of failure -- something that the Commission should not require unnecessarily.

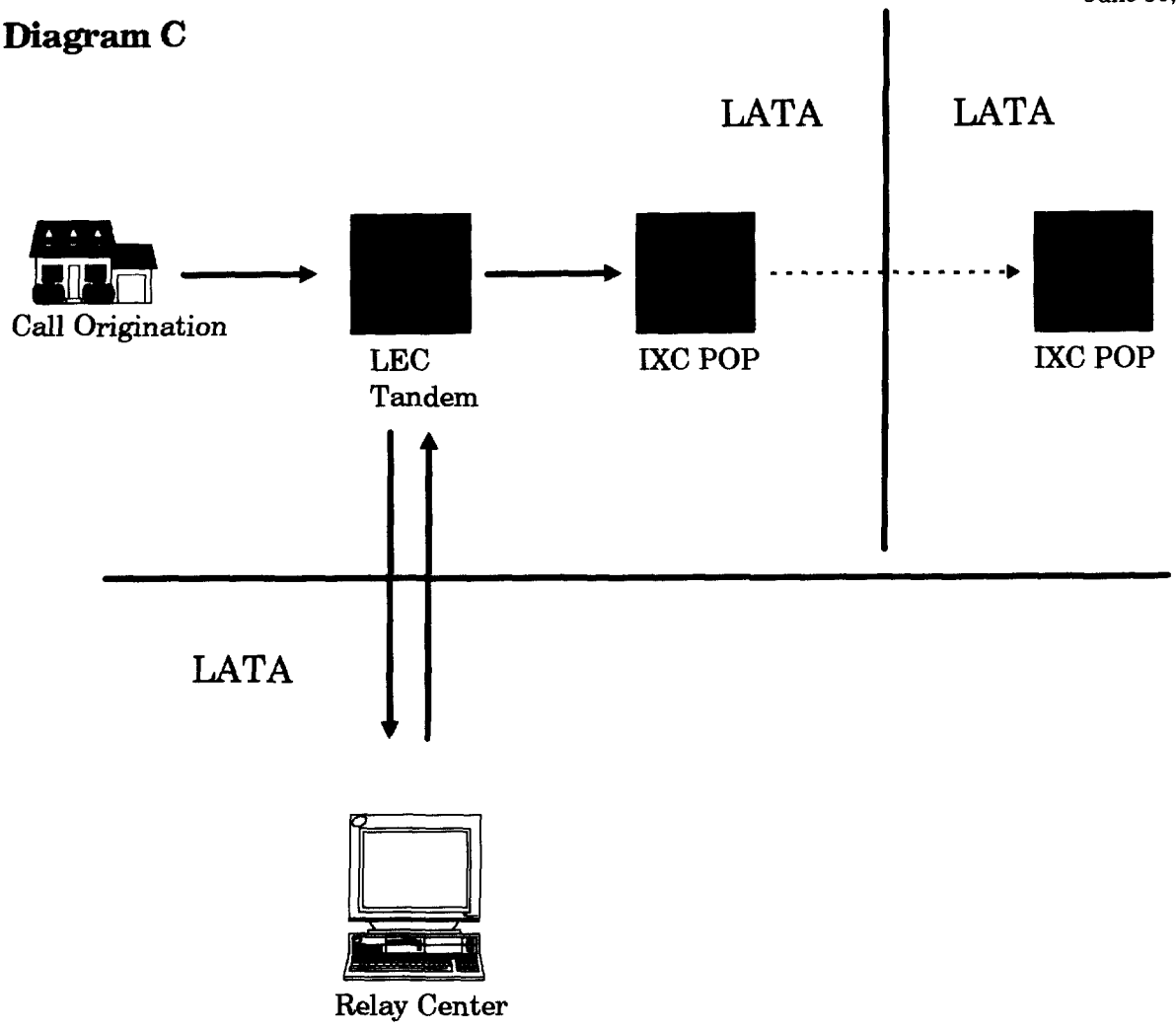
III. TRS.

A. Service Description.

As noted above, Congress and the Commission found that the provision of TRS is in the public interest to extend universal service to the speech and hearing impaired. In reliance on the MFJ Court's waiver, Ameritech has configured its TRS service offerings in Michigan and Ohio in a manner that efficiently permits four RCs to efficiently handle calls originating to unique 800 numbers in each of those states without regard to LATA boundaries.[10] Diagram C shows the handling of a TRS call in a case in which the RC is located in a LATA different from that of the calling party. When the calling party dials the 800 TRS number, the call is suspended at the local tandem while a connection is established to the RC. Once that connection is established, however, the call is routed back to the LATA of origin for completion to the called party either via local exchange carrier facilities or, if the call itself is an interLATA call, via the calling party's designated interexchange carrier.

[10] Ameritech utilizes unique 800 numbers that permit access to those RCs only for calls originated inside the states of Michigan and Ohio respectively.

Diagram C



B. Forbearance from the Separate Subsidiary Requirements of §272 is Justified for Ameritech's Provision of Access to RCs over InterLATA Links.

Application of the §272 separate subsidiary requirement to those situations in which Ameritech provides access to TRS RCs over interLATA links is <u>not</u> necessary to ensure that Ameritech's charges practices classifications or regulations in connection with telecommunications services are just and reasonable. All telecommunications services provided in connection with TRS service by Ameritech (except, of course, for any interLATA links which Ameritech

cannot provide) are offered to third parties under terms and conditions that are tariffed or otherwise subject to oversight by state commissions. That oversight includes all of Ameritech's TRS applications -- not just those with an interLATA link between the calling party and the TRS RC. And there has been no showing by any party that that oversight is in any way inadequate.

Further, enforcement of the §272 requirement is not necessary for the protection of consumers for the very same reason – *i.e.*, Ameritech's provision of TRS-related services is subject to state commission oversight. The application of §272's separate affiliate requirement for those instances in which Ameritech-provided TRS service involves a TRS RC in a LATA different from the calling party will do nothing to increase the protection of consumers.

Finally, enforcement of the §272 separate affiliate requirement for those situations in which Ameritech-provided TRS service involves an RC in a LATA different from the calling party would not be consistent with the public interest. Application of the requirement would require the establishment of RCs in each LATA or the transfer of existing centralized RCs to the 272 affiliate which would then be precluded from sharing network facilities in connection with the provision of the service. Thus, it would preclude the cost savings involved in the current service configuration. Thus, the service could only be provided at much greater expense. In addition, the introduction of separate facilities, of necessity, would

involve the introduction of additional potential points of failure -- something that the Commission should not require unnecessarily.

IV. CONCLUSION.

The Commission should not require the application of §272's separate affiliate requirement to Ameritech's provision of E911 service or TRS service with the interLATA components described above. The requirement is not necessary to ensure that Ameritech provides telecommunications services on just and reasonable terms. It is not necessary for the protection of consumers. And it is not consistent with the public interest because the costs associated with applying the requirement greatly outweigh any hypothetical benefit.