

NYNEX
1095 Avenue of the Americas, New York, NY 10036
37th Floor
Tel 212 395-8326
Fax 212 354-7348

ORIGINAL DOCKET FILE COPY ORIGINAL

EX PARTE OR LATE FILED

CAMPBELL L. AYLING
Counsel

NYNEX

June 30, 1997

RECEIVED

EX PARTE

JUN 30 1997

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **NYNEX Petition For Forbearance From
Application Of Section 272 Of The
Communications Act To Previously Authorized
Services -- CC Docket No. 96-149/DA 97-1022**

Dear Mr. Caton:

In response to the Common Carrier Bureau's request, the NYNEX Telephone Companies¹ ("NYNEX") hereby submit supplemental information to assist the Commission in its decision-making on the above-referenced NYNEX Petition for Forbearance. Pursuant to Section 1.1206(a) of the Commission's Rules, two copies of this Ex Parte are being submitted for inclusion in the public record of this proceeding.

I. INTRODUCTION/OVERVIEW

NYNEX's May 6, 1997 Petition for Forbearance in this matter requested the Commission, pursuant to Section 10 of the Communications Act, to forbear from applying Section 272 separate affiliate requirements to any NYNEX E911 services having an interLATA component and deemed to be information services. The BOCs,

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

023

including NYNEX, were previously authorized by the MFJ Court to offer E911 services on an interLATA basis.² In its Non-Accounting Safeguards Order,³ the Commission held that previously authorized BOC interLATA information services are not exempt from Section 272 separate affiliate requirements. The Commission indicated, however, that it would entertain BOC petitions for forbearance in this area.⁴

It should be emphasized that BOCs (including NYNEX) have been offering E911 services with interLATA components since before divestiture. Those offerings have been under close state regulatory commission oversight, with no indication that structural separation such as provided for under Section 272 is warranted to achieve regulatory objectives. There can be no dispute that E911 services are critical to “promoting safety of life and property. . .”⁵ and vital to the public interest. Accordingly, there is a long and well-founded regulatory history of not interfering with the continuous, effective and efficient provision of these E911 services by BOCs on an unseparated basis, and it would be wise to maintain this approach here. Congress clearly recognized that BOCs would continue to offer E911 services.⁶

E911 is inextricably intertwined with BOC facilities and information and the imposition of Section 272 structural separation would be detrimental to the service with no countervailing regulatory benefit. Even one failure of E911 could have grave consequences to life or property. It is imperative, therefore, that any disruption to E911 services be avoided.

In this submission, NYNEX presents a more detailed description of the service (Section II), sets forth the Section 10 standards for forbearance (Section III), and explains how those standards are met in this matter. In sum, application of Section 272 separate affiliate requirements to any interLATA E911 services is not necessary to ensure just and reasonable rates, ensure against unjustly or unreasonably discriminatory rates or to protect consumers, and forbearance is consistent with the public interest.

² See U.S. v. Western Electric Co., Civ. Act. No. 82-0192, 1984 U.S. Dist. LEXIS 10566 (D.D.C. Feb. 6, 1984); Letter from Constance K. Robinson, Chief, Communications and Finance Section, U.S. Department of Justice (“DOJ”), Antitrust Division to Alan F. Ciamporcero, Pacific Telesis Group (March 27, 1991), citing Motion Of The United States For A Waiver Of The Modification Of Final Judgment To Permit The BOCs To Provide MultiLATA 911 Service (Nov. 17, 1988); U.S. v. Western Electric Co., Civ. Act No. 82-0192, Order issued February 2, 1989 (D.D.C.).

³ Implementation Of The Non-Accounting Safeguards Of Sections 271 And 272 Of The Communications Act of 1934, As Amended, CC Docket No. 96-149 (FCC 96-489), First Report and Order released December 24, 1996, paras. 77-79.

⁴ See id. at para. 81.

⁵ See Section 1 of Communications Act.

⁶ See Section 272(c)(2)(B)(vii)(I).

II. E911 SERVICE DESCRIPTION

At NYNEX, a typical 911 is routed from the local serving wire center to an E911 tandem office (located within the same LATA). (See diagram in Attachment A.) The E911 tandem has routing tables which are used to redirect the call to the appropriate emergency response call center (or Public Safety Answering Point ["PSAP"]) run by the local municipality with responsibility for coverage of the particular location from which the call has originated. As the call is being answered by the call center, an interLATA query is automatically generated and routed over the NYNEX packet switched network to NYNEX's two centralized E911 data bases.⁷ The E911 data bases send back a message providing the caller's name, address and location; this information then appears on the dispatcher's screen at the call center. Emergency services personnel are then able to be dispatched to the address from which the call originated. In some cases, e.g. in New York, LATA boundaries do not follow the E911 government (or municipality) boundaries. In such cases, it is not unusual for the caller and the PSAP to be located in separate LATAs while still sending the E911 data base inquiry to additional LATAs.

The FCC has specifically allowed the BOCs to provide E911 services (including interLATA components) and related equipment on an unseparated basis, subject to state tariffing requirements.⁸ Under that regime, NYNEX E911 services have been subject to a variety of tariffs and related contracts throughout our state jurisdictions, and to continuous state regulatory commission oversight. For each NYNEX state, there is an E911 tariff specifying the basic service and surcharge to subscribers.⁹ In the NYNEX states other than New York, NYNEX negotiates contracts at the state government level for E911 service.¹⁰ In New York, NYNEX negotiates a separate E911 contract with each county.

⁷ To provide the necessary reliability, the E911 data base is duplicated, located in two NYNEX computer centers -- Pearl River, New York and Burlington, Massachusetts -- and utilizes specially designed fault-tolerant computers. Queries are sent to both data bases simultaneously over two different network paths. The E911 data base is also used to update on a daily basis the E911 tandem routing tables with the current PSAP telephone number information associated with the exchange access line.

⁸ See Letter dated December 30, 1982 from Gary M. Epstein, Chief, Common Carrier Bureau to Alfred A. Green, AT&T (copy included in Attachment B); Southwestern Bell Co. -- Petition for Waiver, ENF 84-44, Memorandum Opinion and Order released January 8, 1985, 1985 FCC LEXIS 4121.

⁹ No surcharge applies in Massachusetts.

¹⁰ NYNEX does not yet have an E911 contract with Maine.

III. SECTION 10 FORBEARANCE STANDARDS

Section 10 of the Communications Act, added by Section 160 of the Telecommunications Act of 1996, provides that the Commission “shall forbear” from applying any regulation or any provision of this Act to a telecommunications carrier(s) or telecommunications service(s) if the Commission determines that:

- (1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and not unjustly or unreasonably discriminatory;
- (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and
- (3) forbearance from applying such provision or regulation is consistent with the public interest.

If Section 10 forbearance standards are met, forbearance is mandatory. As the Commission has observed: “to the extent a BOC demonstrates, with respect to a particular previously authorized interLATA information service, that forbearance from the Section 272 separate affiliate requirement fully satisfies the section 10 test, we must forbear from requiring the BOC to provide that service through a section 272 affiliate.”¹¹

In this matter, NYNEX seeks forbearance from Section 272 separate affiliate requirements which include, among other things, structural, transactional, non-discrimination, and joint marketing restrictions. The central requirement of Section 272 in this context is that interLATA information services be provided out of a “separate affiliate” from the BOC. The FCC has indicated that the policies to be served by the Section 272 separate affiliate requirements are:

to protect subscribers to BOC monopoly services, such as local telephony, against the potential risk of having to pay costs incurred by the BOCs to enter competitive markets, such as interLATA services and equipment manufacturing, and to protect competition in those markets from the BOCs’ ability to use their existing market power in local exchange services to obtain an anticompetitive advantage in those new markets the BOCs seek to enter.¹²

¹¹ Non-Accounting Safeguards Order, para. 81. [Emphasis added.]

¹² Id. at para. 6. See also id. at paras. 9, 19.

IV. THE THREE PRONGS FOR SECTION 10 FORBEARANCE ARE MET

- A. Enforcement Of Section 272 Separate Affiliate Requirements Is Not Necessary To Ensure That The Charges, Practices, Classifications Or Regulations By, For, Or In Connection With E911 Services (With InterLATA Components) Are Just And Reasonable And Not Unjustly Or Unreasonably Discriminatory

The imposition of Section 272 separate affiliate requirements is not only not needed to assure just, reasonable and nondiscriminatory rates -- those requirements would likely lead to E911 service rates that are simply not affordable.

As noted above, E911 services have been offered for many years under close state regulatory commission oversight. Any allegation that such oversight has been or would be insufficient to assure just, reasonable and nondiscriminatory rates would be unfounded.

In addition to state scrutiny, the FCC's regulatory regime has provided and continues to provide adequate protection in this area. The Commission has previously concluded that "our existing Part 64 cost allocation rules satisfy the requirements of Sections 260, 271, 275, and 276 that certain competitive telecommunications and information services not be subsidized by subscribers to regulated telecommunications services."¹³ Furthermore, the Commission's Section 208 complaint process remains available to any party asserting a BOC violation in this area under the FCC's jurisdiction. Such regulatory checks support forbearance.¹⁴

Again, it bears emphasis that interLATA E911 is not some new market the BOCs seek to enter -- it is a service provided for many years on an unseparated basis with no reason to believe structural separation is needed to ensure just, reasonable and nondiscriminatory rates. In fact, the imposition of Section 272 separate affiliate requirements would likely create significant inefficiencies and disruptions to the service, with potential threat to life or property. These encumbrances to E911 could increase E911 rates beyond reasonably affordable levels.

E911 services are inextricably bound up with local telephone company facilities and information. If NYNEX had to dismantle integrated E911 services to effectuate Section 272 separation requirements, a number of inefficiencies and disruptions would result:

¹³ Implementation Of The Telecommunications Act Of 1996: Accounting Safeguards Under The Telecommunications Act of 1996, CC Docket No. 96-150 (FCC 96-490), Report and Order released December 24, 1996, para. 50.

¹⁴ See Policies And Rules Concerning The Interstate, Interexchange Marketplace, CC Docket No. 96-61 (FCC 96-424), Second Report and Order released October 31, 1996, para. 27.

- The E911 data bases would need to be moved from their current collocated placements in NYNEX central offices. To relocate the computers would be a complex and expensive activity given the extreme reliability requirements of the E911 service. At least one and potentially two computers would be required to accommodate the transition to ensure there is no down time, as down time could result in loss of life or property. Furthermore, pursuant to Section 272(b), the NYNEX Telephone Companies (i.e., the NYNEX BOCs) and their affiliates, other than the Section 272 affiliate itself, would be prohibited from providing operating, installation and maintenance services associated with the facilities (such as data bases) used by the Section 272 affiliate,¹⁵ thereby increasing operations costs.¹⁶
- The current E911 tandems also function as local switching facilities for the NYNEX Telephone Companies. This shared use significantly reduces the cost of E911 service. If the Commission were to require separate and thus duplicative facilities for E911 calls,¹⁷ the service could only be offered at much higher expense. Here again, BOC or affiliate personnel, outside the Section 272 separate affiliate, could not provide operating, installation and maintenance services for facilities owned by that separate affiliate.
- The existing E911 network which uses BOC trunking would have to be reconfigured, and BOCs would be artificially prevented from engineering the network in the most reliable manner.
- Until in-region interLATA relief, BOCs would be restricted in joint marketing activities relative to interLATA E911.¹⁸ This would eliminate current shared use of BOC personnel in this area, and increase the costs of the service.
- In order to have the most up to date information available, the E911 data bases are updated directly with customer name, telephone number and address information (e.g., from service changes) from the

¹⁵ See Non-Accounting Safeguards Order at para. 15.

¹⁶ While BOCs could avoid the need for a Section 272 affiliate by duplicating the data base in each LATA, this would be prohibitively expensive. The expense would be compounded by the need to have more than one data base in each LATA to provide redundancy for E911 service reliability.

¹⁷ The Commission has determined that Section 272(b)(1) prohibits a BOC and its Section 272 affiliate from jointly owning transmission and switching facilities or the land and buildings on which such facilities are located. Non-Accounting Safeguards Order, para. 15.

¹⁸ See Section 272(g).

LEC. Further, in the interest of public safety, the LECs provide the data base with address information on customers with non-published or unlisted numbers. Such information flows would be constrained or even precluded under the Commission's Section 272 separate affiliate requirements.¹⁹

- All these changes to implement Section 272 separation requirements would necessitate that E911 service contracts be renegotiated, and that E911 tariffs be canceled and/or refiled. Disruption to governmental entities and consumers utilizing E911 services, and confusion, would result.

To similar effect supporting forbearance here, the MFJ Court and DOJ previously recognized that permitting the BOCs to directly provide interLATA E911 service avoids higher costs and inefficiencies. Thus, the MFJ Court found that permitting BOCs to continue providing E911 service would "serve the public interest by avoiding expensive reconfigurations and unnecessary disruption of telephone service."²⁰ Similarly, the DOJ determined that "[a]llowing the BOCs to provide interLATA 911 services and E911 service is in the public interest for it permits customers to reach providers of emergency services conveniently and efficiently."²¹

With respect to nondiscrimination, consistent with Section 271 requirements, NYNEX will not discriminate in the provision of E911 service. BOC-offered access or interconnection must include nondiscriminatory access to E911 as a checklist item for long distance entry.²² Indeed, mandating the movement of this service out of the BOC would negate this safeguard and be counterproductive.²³

It might be contended that the costs and inefficiencies from Section 272 separation do not justify forbearance here because Congress fashioned Section 272 to provide regulatory safeguards for certain lines of business without regard to costs and inefficiencies. Such a contention would be flawed, however. Again, Congress recognized that BOCs will continue to offer E911.²⁴ In any case, Congress enacted Section 10 to allow for non-application of provisions such as Section 272 where, as here, they are not needed to achieve underlying regulatory purposes. Moreover, Section 272 is

¹⁹ See Non-Accounting Safeguards Order at paras. 199-236, 246-253.

²⁰ U.S. v. Western Electric Co., 1984 U.S. Dist. LEXIS 10566, supra, p. 1.

²¹ Letter dated March 27, 1991 from Constance K. Robinson, supra, p. 1.

²² See Section 271(c)(2)(B)(vii)(I).

²³ Further, the Section 272 affiliate would likely be subject to less rate regulation than the BOC.

²⁴ See Section 271(c)(2)(B)(vii)(I).

geared towards covering BOC entry into new lines of business, such as interLATA services previously prohibited under the MFJ. As the FCC has stated: “Congress ... imposed in Section 272 a series of separate affiliate requirements applicable to the BOC’s provision of certain new services and certain new activities.”²⁵ Yet, interLATA E911 is a long-standing BOC service which has been offered on an unseparated basis without regulatory problems as Section 272 was intended to address. Finally, consistent with Section 1 of the Communications Act, the Commission should give paramount consideration to “promoting safety of life and property” and hence avoid the disruption and potential threats to E911 service that could result from imposing Section 272 separation constraints.

B. Enforcement Of Section 272 Separate Affiliate Requirements Is Not Necessary For The Protection Of Consumers

As discussed above, interLATA E911 service has been offered for many years by BOCs on an unseparated basis, pursuant to state commission oversight and the FCC’s regulatory regime, with no indication consumers are not protected under that continued approach.

In fact, the imposition of Section 272 separate affiliate requirements would be inimical to consumer interests. This is because, as detailed earlier, the resulting dismantlement of the service as provisioned today would create significant inefficiencies and disruptions (e.g., with respect to E911 data base computers, shared use of E911 tandems, reconfiguration of E911 network including shared LEC trunking, restricted joint marketing, renegotiation of contracts, modification and deletion of tariffs, LEC information flow restrictions). The overall result would likely be increased costs and higher E911 rates, as well as reduced reliability of the service. Consumers would face higher E911 tariff surcharges, government entities such as municipalities would face higher E911 charges which could lead to higher taxes, and the E911 service would be at greater risk of problems or failure (with potential disastrous consequences) than before. Clearly, it is in consumers’ interest not to impose Section 272 separation constraints interfering with E911 services as presently offered.

C. Forbearance From Applying Section 272 Separation Requirements Is Consistent With the Public Interest

As set forth above, Section 272 separate affiliate requirements need not be applied to BOC interLATA E911 services to protect consumers; indeed those regulatory constraints would probably hurt consumers. In this regard, the public interest is clearly served by forbearance.

²⁵ Non-Accounting Safeguards Order, para. 9 [Emphasis added.] See also *id.* at paras. 6, 19.

In view of the above (Sections IV.A and IV.B), considering the vital importance of E911 services to the public, there is a long regulatory history of non-interference with the BOCs' continued integrated provision of interLATA E911 services. Thus, back in December 1982, the FCC decided not to impose Computer Inquiry II structural separation on BOC E911 services (which included interLATA components) and related equipment. The Commission concluded:

we have determined that, in any event, the public interest requires that these [E911] services continue to be offered without interruption by the BOCs. . . .

In sum, it appears that allowing the BOCs to offer the E911 service at this time poses no threat to the long term competitive goals of Computer II. The possible detriment of the public interest in disrupting these services, however, is large.²⁶

In a 1985 Order, the Commission reaffirmed that this unseparated treatment of E911 remains in effect. The Commission observed:

Provision of E911-type emergency services directly promotes the statutory objective embodied in Section 1 of the Communications Act of "promoting safety of life and property through the use of wire and radio communications." . . . Since the E911 calls received by the Answering Points are normally emergency ones, there are extraordinary requirements for service continuity, reliability and maintenance. In view of these considerations, we concluded in 1982 that the Computer II structural requirements need not govern the E911 services.²⁷

Since that time, the FCC has consistently underscored the importance of these emergency services: "[i]t is difficult to identify a nationwide wire or radio communication service more immediately associated with promoting safety of life and property than 911."²⁸

²⁶ Letter dated December 30, 1982 from Gary M. Epstein, Chief, Common Carrier Bureau, supra.

²⁷ Southwestern Bell Tel. Co., ENF 84-44, Order released January 8, 1985, supra, para. 16 (Common Carrier Bureau).

²⁸ Revision Of The Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling 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 Services (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,

As further support for forbearance here, the MFJ Court and DOJ have determined that BOC provision of interLATA E911 services is consistent with the public interest. As noted earlier, the MFJ Court found that permitting BOCs to continue providing E911 service would “serve the public interest by avoiding expensive reconfigurations and unnecessary disruption of telephone service.”²⁹ And as DOJ has observed, “[a]llowing the BOCs to provide interLATA 911 services and E911 service is in the public interest for it permits customers to reach providers of emergency services conveniently and efficiently.”³⁰

The public interest will be well-served by the Commission maintaining this long-standing approach of BOC unseparated provision of E911 services (with interLATA components). Avoidance of Section 272 separation -- which the Commission has aptly characterized as a “significant regulatory barrier” -- would also be in keeping with the deregulatory intent of the Act.³¹

Furthermore, forbearance is no less warranted for E911 here than with respect to BOC educational interactive interLATA services. Regarding those latter services, the Commission stated: “we further find it reasonable to conclude that Congress did not wish to impose a significant regulatory barrier, in the form of a separate affiliate requirement, on BOC provision of these services.”³² The Commission went on to strongly suggest it would forbear from applying Section 272 separate affiliate requirements to those services.³³ In this light, it is difficult to imagine that Congress or the FCC would want BOC interLATA E911 services to be inflicted with a significant regulatory barrier.

Regarding competitive considerations,³⁴ the Commission should again recognize that Section 272 is geared to protecting the public interest in the case of BOC entry into new markets such as in-region long distance: “Congress . . . imposed in section 272 a series of separate affiliate requirements applicable to the BOCs’ provision of certain new services and their engagement in certain new activities.”³⁵ But interLATA

47 U.S.C. § 151, of ‘promoting safety of life and property through the use of wire and radio communications.’”)

²⁹ U.S. v. Western Electric Co., 1984 U.S. Dist. LEXIS 10566, supra, p. 1.

³⁰ Letter dated March 27, 1991 from Constance K. Robinson, supra, p. 1.

³¹ See Non-Accounting Safeguards Order at paras. 1, 95.

³² Id. at para. 95.

³³ See id. at para. 95 & n. 213.

³⁴ See Section 10(b).

³⁵ See Non-Accounting Safeguards Order at para. 9. [Emphasis added.] See also id. at paras. 6, 19.

E911 services are pre-existing, previously authorized BOC services; this is not a case of the BOCs seeking to enter a new market. Congress recognized BOCs will continue to offer E911.³⁶

Accordingly, the paramount public interest concern in this context should be the continued effective and efficient protection of life and property through these vital BOC E911 services. That concern is best met by continuing the well-founded regulatory history of allowing BOC integrated provision of these services.

Furthermore, as the MFJ Court and DOJ have found, BOC interLATA E911 services are not inimical to competitive interests. In authorizing BOCs to provide interLATA E911 services, the MFJ Court decided that such an offering would “not endanger competition.”³⁷ Similarly, the DOJ concluded that BOC provision of interLATA E911 service “does not present any threat to competition among interexchange service providers.”³⁸

Further, consistent with Section 271 requirements,³⁹ NYNEX will not discriminate in the provision of E911 service. Any competitor perceiving a threat to fair competition has adequate avenues available for pursuing a claim, such as through state regulatory processes and the FCC’s Section 208 complaint process.

³⁶ See Section 271(c)(2)(B)(vii)(I).

³⁷ U.S. v. Western Electric Co., 1984 U.S. Dist. LEXIS 10566, *supra*, p. 1.

³⁸ Letter from Constance K. Robinson, *supra*, p. 1, citing Motion Of The United States For A Waiver Of The Modification Of Final Judgment To Permit The BOCs To Provide MultiLATA 911 Service (Nov. 17, 1988), p. 3.

³⁹ See Section 271(c)(2)(B)(vii)(I).

V. CONCLUSION

The FCC should forbear from applying Section 272 regulatory constraints to any NYNEX interLATA E911 services deemed to be information services.

* * * * *

Questions regarding this matter should be directed to me, or to Alan Cort at 202-336-7890.

Sincerely,



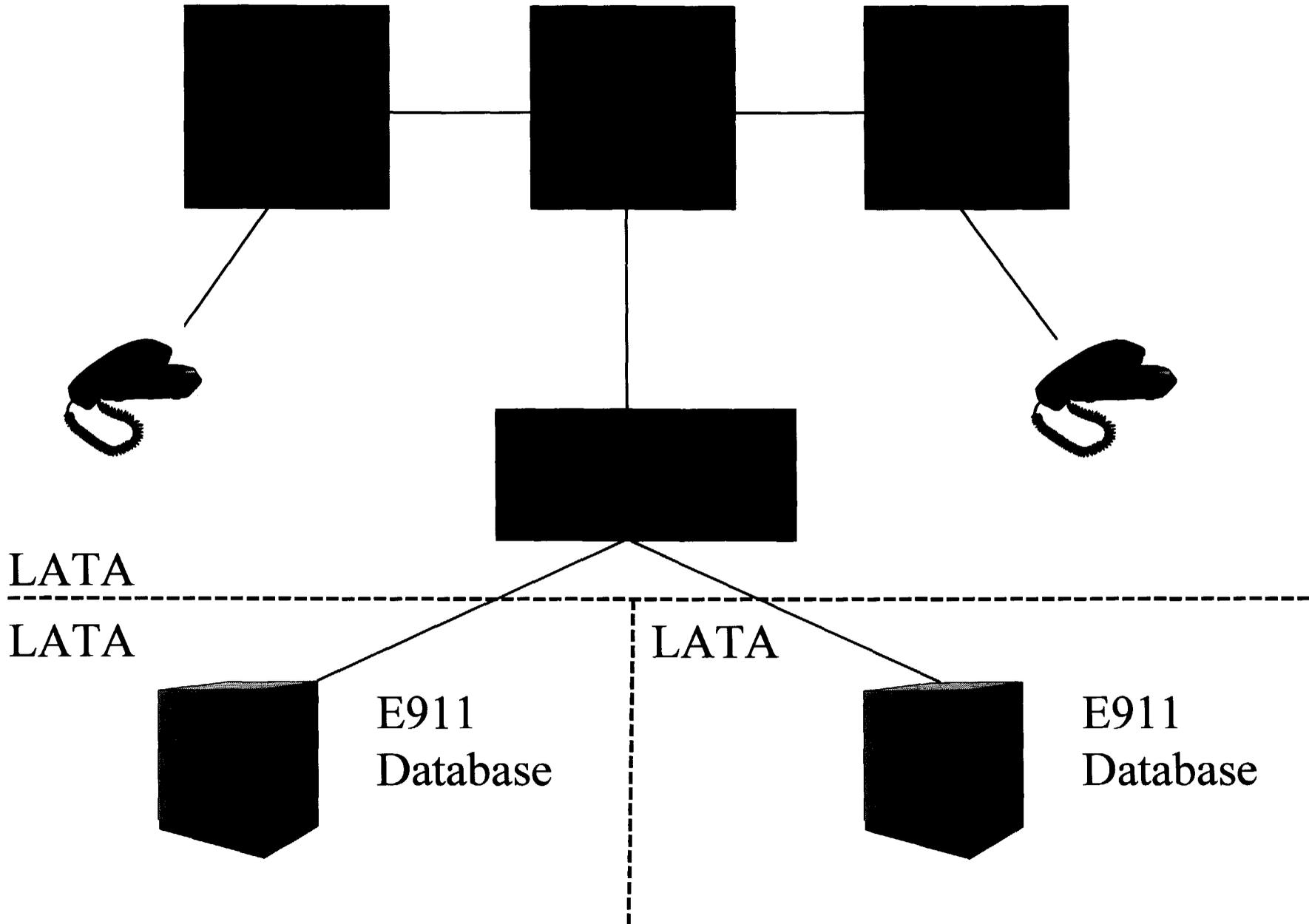
Campbell L. Ayling

Attachments

cc: C. Matthey
W. Kehoe

E911 Service Architecture

ATTACHMENT A



FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

December 30, 1982

IN REPLY REFER TO:

61210

Alfred A. Green, Esquire
American Telephone and Telegraph
Company
195 Broadway
New York, New York 10007

Dear Mr. Green:

On December 17, 1982, AT&T petitioned the Commission for a declaratory ruling that the E911 service offered by the Bell Operating Companies (BOCs) is not "enhanced" under the Computer II decision, or, if that service is "enhanced", for a waiver of Section 64.702 of the Commission's Rules and Regulations (47 C.F.R. §64.702) as it applies to the E911 service. AT&T also requested that a waiver be granted to allow the BOCs to continue providing the CPE and common equipment necessary for the provision of E911 service.

We shall not consider the question of whether the E911 service is "basic" or "enhanced" since we have determined that, in any event, the public interest requires that these services continue to be offered without interruption by the BOCs. We shall grant AT&T's request for waiver of Section 64.702 of the Commission's Rules as it applies to the E911 service. The BOCs may, therefore, continue to provide this service and the CPE and common equipment necessary to it.

The E911 service enables a caller in an emergency to dial "911" without charge and receive assistance from the proper emergency agency. There are several 911 services which vary in complexity and features they offer. The E911 service is the most comprehensive. It includes several features which might be said to be "enhanced": Automatic Number Identification (ANI) which permits the caller's telephone number to be transmitted to the public service answering point (PSAP) for display; Selective Routing (SR) which insures that a 911 call is routed to the proper PSAP for the caller's location; and Automatic Location Identification (ALI) which displays at the PSAP the caller's location plus any related information necessary to responding to the emergency, e.g., whether the address is an apartment, or whether the resident is handicapped.

Under the Computer II decision, after January 1, 1983 AT&T may offer enhanced services only through its new subsidiary established for that purpose, American Bell, Inc. If the BOCs were prohibited from providing the E911 service after January 1, 1983, it is not clear that any other service provider would, or could, fill the void.

Alfred A. Green, Esquire
American Telephone and Telegraph Company
Page Two

The customer base for this service is limited to governmental bodies. Since the class of customers is limited, the pool of potential equipment suppliers might well also be limited. There is, therefore, a risk that the equipment necessary to provision of E911 services would not be available if the BOCs were not permitted to provide it.

In sum, it appears that allowing the BOCs to offer the E911 service at this time poses no threat to the long term competitive goals of Computer II. The possible detriment of the public interest in disrupting these services, however, is large. AT&T's request for a waiver of Section 64.702 of the Rules as it applies to provision of the E911 service is, therefore, granted.

Sincerely yours,


Gary M. Epstein
Chief, Common Carrier Bureau