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

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act Of 1996	)	CC Docket No. 96-98
	)	
Interconnection between Local Exchange Carriers and Commercial Mobile Radio Services Providers	)	CC Docket No. 95-185

COMMENTS OF LBC COMMUNICATIONS, INC.

LBC Communications, Inc. ("LBC"), submits these comments on the further notice of proposed rulemaking ("Further Notice") in the above-referenced proceeding.

DISCUSSION

In the Further Notice, the Commission has asked whether "requesting carriers may use unbundled dedicated or shared transport facilities in conjunction with unbundled switching to originate or terminate interstate toll traffic to customers to whom the requesting carrier does not provide local exchange service."[1] The Commission should answer this question in the affirmative.

First, there no longer can be any doubt that Section 251 of the 1996 Act[2] applies to network elements used to provide pure exchange access service. Section 251(c)(3) of the 1996 Act requires ILECs to provide requesting carriers with nondiscriminatory access to network elements so that they may provide any "telecommunications service." As the Commission already has determined, interexchange and exchange access services are "telecommunications services."[3] Nothing in the 1996 Act or the Commission's prior orders suggest that Section 251(c)(3) should, as a legal matter, be limited to network elements that are used to provide local exchange services, or other services provided in conjunction with local exchange services.

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1 Further Notice ¶ 61.
2 Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).
3 See Local Competition Order, 11 FCC Rcd 15499, 15,679 (1996).

Second, to the extent that the Commission has noted that certain network elements (*i.e.*, local loops and local switching) will only be made available on an unbundled basis where the requesting carrier will use the element to provide local exchange services, it has merely recognized that, as a practical matter, these facilities already are "dedicated" to a particular local customer so that no other carrier may have access to them. The same cannot be said, however, for shared or dedicated transport, neither of which are dedicated to a particular local exchange customer. Indeed, the very concept is inherently incoherent in the case of shared transport, which is itself indivisible, but which will be used to serve numerous local customers.

Finally, for policy reasons the Commission should avoid imposing unnecessary restrictions on the use of unbundled network elements to provide competitive access services. New entrants such as LBC are exploring a variety of strategies for cracking the local exchange monopolies and providing competitive telecommunications services. Some of those entry strategies depend upon early entry through pure competitive access service. Although LBC intends to use its own network facilities wherever and whenever possible, it may rely on unbundled transport to provide certain links, or redundant links, in its network architecture. Thus, to promote competitive entry, the Commission should permit requesting carriers to use unbundled dedicated or shared transport for access services, whether or not the carrier provides local exchange service to the originating or terminating party.

Respectfully submitted,
LBC COMMUNICATIONS

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