

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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LAWRENCE G. MALONE  
General Counsel

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Secretary



May 5, 1998

Hon. Magalie Roman Salas  
Secretary  
Federal Communications  
Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: In the Matter of Petition of U.S. WEST for  
Relief From Barriers to Deployment of Advanced  
Telecommunications Services - Docket No. 98-26

Dear Secretary Salas:

The New York Department of Public Service (NYDPS) hereby replies to the comments in the above-captioned proceeding that suggest the Commission should forbear from federal regulation to encourage deployment of advanced telecommunications services (USTA Comments p.3, 14-21 and GTE Comments p. 4-8). We agree that the deployment of advanced telecommunications networks should be encouraged. However, the broadband network envisioned will use, in part, the same facilities as today's narrow band network. Since the local loop will be used to deploy these broadband networks and the local markets have not been opened to commercially viable local competition, it is premature for the Commission to forbear from applying its price-cap and separate affiliate rules or unbundling and resale requirements.

The NYDPS recommends that, until the Commission is assured that potential competitors have viable access to the local loop, the Commission should not diminish the Regional Bell Operating Companies' obligations under the Act.

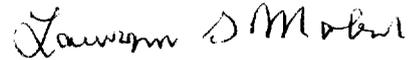
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Hon. Magalie Roman Salas

May 5, 1998

An original and twelve copies of this letter are enclosed. Also, a copy is being provided to Ms. Janice Myles of the Common Carrier Bureau and one copy is being sent to the Commission's document contractor, ITS.

Sincerely,



Lawrence G. Malone  
General Counsel  
State of New York  
Department of Public Service  
Three Empire State Plaza  
Albany, New York 12223-1350  
(518) 474-2510

Enclosure

cc: Attached Service List