

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition of the Association for Local)
Telecommunications Services (ALTS) for a)
Declaratory Ruling Establishing Conditions)
Necessary to Promote Deployment of)
Advanced Telecommunications Capability)
Under Section 706 of the Telecommunications)
Act of 1996)

CC Docket No. 98-78

REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association ("USTA") files its reply comments. USTA is the principal trade association of the incumbent local exchange carrier industry ("ILECs").

Currently, the Commission has underway four separate proceedings involving Section 706 of the Telecommunications Act of 1996 ("Act"): (1) the Petitions filed by Bell Atlantic, U S WEST, and Ameritech, (2) the Petition for Rulemaking filed by the Alliance for Public Technology, (3) SBC's Petition for Relief from Regulations in Deploying ADSL Infrastructure and Service,¹ and this proceeding. In each of these proceedings, the Commission has received

¹ See, e.g., *In the Matter of Petition of Bell Atlantic for Relief from Barriers to Deployment of Advanced Telecommunications Services*, CC Docket No. 98-11, *Petition of U S WEST for Relief from Barriers to Deployment of Advanced Telecommunications Services*, CC Docket No. 98-26, *Petition of Ameritech for Relief from Barriers to Deployment of Advanced*

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comments suggesting how to further regulate ILECs to ensure that competitive local exchange carriers ("CLECs"), not consumers, benefit from the proposed regulatory constraints CLECs would have the Commission impose upon ILECs that seek to deploy advanced data and Internet networks, including ADSL infrastructure and services. This effort to burden ILECs with needless regulations is not simply limited to misguided interpretations of Section 706 of the Act and whether Section 251(c) obligations should apply to advanced telecommunications networks deployed by ILECs, but also includes spurious efforts to apply Section 251(h)² to ILEC in-region affiliates.³

The Commission has before it the legal, regulatory and public interest arguments in favor of removing regulatory barriers to ILECs making the investments required to construct advanced data and Internet networks, including ADSL infrastructure and services pursuant to Section 706. CLECs and others merely argue that they should be the sole beneficiaries of advanced data and Internet networks constructed by ILECs, but provide no legitimate legal, regulatory, or public policy reasons to support their arguments, nor any basis why consumers should be deprived of

Telecommunications Services, CC Docket No. 98-32; Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement Section 706 of the 1996 Telecommunications Act, CCB/CPD 98-15, RM 9244; In the Matter of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell Petition for Relief from Regulation Pursuant to Section 706 of the Telecommunications Act of 1996 and 47 U.S.C. §160 for ADSL Infrastructure and Service, CC Docket No. 98-91.

² 47 U.S.C. §251(h).

³ See *Competitive Telecommunications Association, Florida Competitive Carriers Association, and Southeastern Competitive Carriers Association, Petition on Defining Certain Incumbent LEC Affiliates as Successors, Assigns, or Comparable Carriers Under Section 251(h) of the Communications Act*, CC Docket No. 98-39.

the benefits of competition including increased bandwidth capacity, increased consumer choices, lower prices, and the ability to compete in a global economy. Additional commentary would be useless.

USTA's position is clear. To ensure that the benefits derived from deployment by ILECs of advanced telecommunications networks does occur, including ADSL infrastructure and services, the Commission must open the door to competition by stepping away from burdensome regulatory paradigms which do nothing more than forestall deployment of critically important technological innovations, while protecting CLECs and others from competition intended by the Act. USTA urges the Commission to expedite approval of the Petitions filed by Bell Atlantic, U S WEST, Ameritech, and SBC.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

June 25, 1998

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CERTIFICATE OF SERVICE

I, Theresa Caballero, do certify that on June 25, 1998, copies of the accompanying Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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