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July 8, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N. W. – Room 222
Washington, D. C. 20554

Re: CC Docket Nos. 98-11, 98-26, Petitions For Relief From Barriers To Deployment of Advanced Telecommunications Services; CC Docket No. 98-32, Petition To Remove Barriers To Investment In Advanced Telecommunications Services; RM No. 9244, 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; CC Docket No. 98-91, 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. 98-78, Petition of the Association for Local Telecommunications Services for a Declaratory Ruling Establishing Conditions Necessary to Promote Deployment of Advanced Telecommunications Capability Under Section706 of the Telecommunications Act of 1996

Dear Ms. Roman Salas:

Please include the attached responses to open questions from the June 17, 1998 meeting with the FCC staff on Section 706 issues in the record of the above-referenced proceedings.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's rules.

Sincerely,

ATTACHMENT

cc: L. Kinney, E. Nightingale, J. Askin, J. Goldstein, M. Kende, J. Oxman

Recycled Paper

Responses to Open Questions from June 17, 1998 Meeting
with FCC Staff on Section 706 Issues

1. Are the ILECs providing unbundled packet switching in response to CLEC requests?

AT&T does not know if the ILECs have declined to provision unbundled packet switching in response to every CLEC request. AT&T had requested access to the ILECs' packet switches in its initial interconnection negotiations and did not obtain even the contractual right to such access from any ILEC, except from BellSouth in the states of Kentucky, Tennessee, North Carolina, Louisiana, Mississippi, Georgia, South Carolina and Florida. In light of the fact that the Commission declined, in its Local Competition Order, to define packet-switching as a UNE, AT&T focused its negotiation and litigation efforts on UNEs that the Commission did define in its Local Competition Order, including the local loop, local switching and shared transport. Thus, AT&T did not pursue packet-switching in any arbitration. This was a practical decision, considering the enormity of the issues surrounding undisputed UNEs such as the loop, switching and transport. Moreover, this prioritization has proven most practical, given that we are still fighting for UNEs for which we have a clear legal right, such as local switching including all of its features and functionality, and shared transport.

2. Have the CLECs requested interconnection of packet networks?

TCG has, for example, requested from every ILEC interconnection with its local frame relay service, and only obtained such interconnection rights from BellSouth after filing a complaint against that RBOC in Georgia. ILECs have taken the legally unsustainable position that they are not obligated under the Telecom Act to offer interconnection to data services such as frame relay because their statutory obligations are limited to voice services.

3. What is the CLECs' legal basis for requesting collocation for packet switches?

The States have "the flexibility to apply additional collocation requirements that are otherwise consistent with the 1996 Act and [the FCC's] implementing regulations." CC Docket No. 96-98, First Report and Order, ¶ 558. And, of course, the States have clear authority to adopt their own additional and consistent requirements to foster competition. Sections 261(c), 251(d)(3), and 253(b). Accordingly, AT&T and other CLECs have the right, under state authority, to request collocation for packet switches.

Apart from the issue of collocating packet switches, it would in many cases be inefficient and uneconomical for the CLEC to collocate either packet switches or the transmission equipment necessary to transmit the data traffic from the ILEC central office to the CLEC's remotely located packet switch. In such instances, access to the ILEC's packet switch (like its circuit switch) as a UNE is the only economical and nondiscriminatory method for a CLEC to provide packet services to customers served out of a particular ILEC central office.