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EX PARTE OR LATE FILED

September 14, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte: CC Docket No. 98-121
Second Application by BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Provision of InterLATA Service in Louisiana

Dear Ms. Salas,

On Friday, September 11, 1998, Mary Brown and Karen Reidy of MCI Telecommunications, Inc. and Jerry Epstein of Jenner & Block met with Paul Gallant, legal advisor for Commissioner Tristani regarding the above application.

We emphasized that under no circumstances can collocation, as the sole option for combining elements, be considered reasonable and nondiscriminatory, let alone comply with the statutory requirement of access at any technically feasible point. The record in this proceeding provides clear evidence that whatever form of collocation BellSouth offers, competitors would have to collocate in each and every end office in order to provide mass market service, competitors would be given access at one point chosen by BellSouth, not any technically feasible point as required by the Act, and competitors' customers would be given inferior service due to the additional cross connects required by collocation. The consensus among the states -- including Kentucky, which reviewed the same proposal BellSouth relied upon for this application -- is that the "collocation only" option is unreasonable and discriminatory, and therefore violates the Act. The Department of Justice, whose findings must be given great weight in section 271 proceedings, reached the same conclusion. We discussed that the Commission must therefore conclude that "collocation only" cannot satisfy section 271 under any circumstances.

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We also discussed that BellSouth has ignored the consistent statements of the Commission and the Department of Justice concerning the importance of performance standards backed by self-executing remedies to 271 entry. We explained that MCI and other new entrants will not have a meaningful opportunity to compete unless there is certainty as to when the BOCs will deliver the inputs necessary for local service, and that self-executing remedies are needed to give the BOCs an incentive to meet such standards because the BOCs would otherwise have every incentive to degrade service to competitors in the local market. We explained that 271 entry is not appropriate where, as here, a BOC has openly objected to performance standards in negotiations and in its advocacy to state commissions. BellSouth's offer to establish performance standards only after 6 to 12 months of study is completely unjustified and would defeat an essential purpose of the standards -- to establish mechanisms today to prevent backsliding following 271 entry.

Finally, we discussed BellSouth's deficient OSS. We explained that in addition to the lack of proof of operational readiness the DOJ emphasized, there continue to be a number of facial defects with BellSouth's OSS that have not been corrected and that are critical to the success of local competition.

In accordance with the Commission's rules, two copies of this notice are being filed.

Sincerely,


Mary L. Brown

cc: Paul Gallant