DOCKET FILE COPY ORIGINAL

RECEIVED

OCT - 5 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of	)	
	)	CC Docket Nos. 98-147, 98-11, 98-
Deployment of Wireline Services Offering	)	26, 98-32, 98-15, 98-78, 98-91, and
Advanced Telecommunications Capability, *et al.*	)	CCB/CPD No. 98-15, Rm-9244

To: The Commission

OPPOSITION OF
e.spire COMMUNICATIONS, INC. and
INTERMEDIA COMMUNICATIONS, INC.

e.spire Communications, Inc. ("e.spire") and Intermedia Communications, Inc. ("Intermedia"), by their attorneys, jointly submit this Opposition to Petitions for Reconsideration filed by the Bell Atlantic telephone companies ("Bell Atlantic")[1] and SBC Communications Inc. and its local operating companies ("SBC") (collectively, "Petitioners")[2] regarding the *Memorandum Opinion and Order* (*"Advanced Services Order"*) issued by the Commission on August 7, 1998 in the above-captioned proceedings.[3]

Introduction and Summary

In similar pleadings, Bell Atlantic and SBC each challenge two aspects of the Commission's *Advanced Services Order*. First, Petitioners seek reconsideration of the Commission's affirmation of its longstanding decision, made in the Commission's *Local Competition Order*, defining the

---

1 Petition of Bell Atlantic for Partial Reconsideration or, Alternatively, for Clarification, CC Docket Nos. 98-147 *et al.* (filed Sept. 8, 1998) [hereinafter "Bell Atlantic Petition"].

2 Petition for Reconsideration of SBC Communications Inc., Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell, CC Docket Nos. 98-147 *et al.* (filed Sept. 8, 1998) [hereinafter "SBC Petition"].

3 *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Memorandum Opinion and Order, and Notice of Proposed Rulemaking, CC Docket Nos. 98-147 *et al.*, FCC 98-188 (rel. Aug. 7, 1998) [hereinafter *"Advanced Services Order"*]; (continued...)

unbundled local loop network element ("ULL") to include "two-wire and four-wire loops that are conditioned to transmit the digital signals necessary to provide services such as ISDN, ADSL, HDSL, and DS-1-level signals" and requiring incumbent local exchange carriers ("ILECs"), to the extent technically feasible, to "take affirmative steps to condition existing loop facilities to enable requesting carriers to provide services not currently provided over such facilities."[4] Oddly, Petitioners base their challenges on the Eighth Circuit's *Iowa Utilities Board* decision that, while gutting large portions of the Commission's *Local Competition Order* and overturning many rules adopted therein, left intact the Commission's ULL definition and its explanation of the obligations imposed on ILECs by it. As explained below, Petitioner's attempt to expand the Eighth Circuit's reversal of the Commission's "superior quality" rules is misguided and runs contrary to the language of and intent underlying Section 251(c), as well as that same court's recent pronouncements regarding the Commission's ability to define unbundled network elements ("UNEs").

Second, Petitioners seek reconsideration of the Commission's decision finding that Section 706 does not constitute an independent grant of forbearance authority. Here, Petitioners argue that Section 10(d) limits only the Commission's ability to forbear under Section 10(a) and that Section 706 constitutes an independent grant of forbearance authority. As explained below, Petitioners' arguments, once again, fail to provide a reasonable basis for concluding that Congress intended to sprinkle the Commission's newly minted forbearance authority in multiple provisions of the Act and sought only to limit it when the Commission decided to pick Section 10 as the basis for exercising it.

(...continued)
see also Public Notice (Corrected), Petitions for Reconsideration and Clarification of Action in Docketed Proceedings, Report No. 2297 (rel. Sept. 18, 1998).

4 *Advanced Services Order*, ¶ 53 (quoting *Local Competition Order*, 11 FCC Rcd. 15499, 15691 (¶ 380), 15692 (¶ 382) (1996)) (internal quotation marks omitted).

In sum, e.spire and Intermedia believe that the Commission should deny both Bell Atlantic and SBC's Petitions for Reconsideration. Petitioners have provided no basis on which the Commission must, or even should, reconsider the challenged aspects of the Commission's *Advanced Services Order*. Indeed, the conclusions challenged are consistent with current case law and with the specific provisions and broader purposes of the 1996 Act.

I. THE COMMISSION'S "LOOP CONDITIONING REQUIREMENT" IS CONSISTENT WITH EXISTING CASE LAW AND SECTIONS 251(c) AND 706

SBC and Bell Atlantic both argue that the Commission's affirmation of its *Local Competition Order* decision requiring ILECs, to the extent technically feasible, to "take affirmative steps to condition existing loop facilities to enable requesting carriers to provide services not currently provided over such facilities" is contrary to the Eighth Circuit's *Iowa Utilities Board* holding that the FCC may not impose superior quality requirements.[5] However, the Petitioners differ with regard to the degree to which they attempt to derail the Commission's unbundling rules through a misreading of that decision. SBC apparently maintains the view that the Eighth Circuit's holding compels the conclusion that it only can be required to provide access to a conditioned loop in cases where it already has conditioned a particular loop for its own use.[6] Taking a less audacious, but no less unfounded position, Bell Atlantic apparently contends that, in light of the *Iowa Utilities Board* decision, it cannot be required to condition loops for competitors in ways that it does not do for itself.[7] Both arguments, however, must be rejected as they merely are based on a misreading of the Eighth Circuit's *Iowa Utilities Board* and are inconsistent with that same court's *Shared Transport*

---

5 Bell Atlantic Petition at 2-5; SBC Petition at 2-5.

6 SBC Petition at 2-5.

7 Bell Atlantic Petition at 2-5.

decision. Moreover, adoption of either view would undermine congressional goals manifest in both Sections 251(c)(3) and 706.

A. Petitioners' Contentions Are Contrary to the Eighth Circuit's *Iowa Utilities Board* and *Shared Transport* Decisions

SBC and Bell Atlantic's reliance on the *Iowa Utilities Board* decision as a basis for reversing the Commission's loop conditioning requirement is misplaced. In particular, Petitioners' arguments are based on a misreading of the Eighth Circuit's decision to overturn Commission Rules 51.305(a)(4) and 51.311(c) which required ILECs to provide interconnection and access to UNEs at superior levels of quality, if requested to do so by a competing carrier. To be sure, the Court found that the "superior quality" requirements manifest in those two rules were not supported by the Act's language.[8] However, the Commission's loop conditioning requirement was not overturned with, nor is it analogous to, those superior quality rules. Rather, the affirmative loop conditioning requirement and the Commission's loop UNE definition from which it stems were left untouched by the *Iowa Utilities Board* decision. Moreover, the loop conditioning requirement does not require construction of a new and superior network, but merely requires modifications to the ILECs' existing networks – modifications which the Court recognized, and even the ILECs acknowledged, were compelled by Sections 251(c)(2) and 251(c)(3).

[8] *Iowa Utilities Bd. v. FCC,* 120 F.3d 753, 812-13 (8th Cir. 1997) [hereinafter "*Iowa Utilities Bd.*"].

1. The Eighth Circuit Did Not Overturn the Commission's ULL Definition or The Loop Conditioning Requirement that Stems from It

Neither the Commission's loop conditioning requirement nor the ULL definition from which it stems are new. Both were set forth in the Commission's *Local Competition Order*.[9] Both also were among the pieces of that order left standing after the ILECs succeeded in convincing the Eighth Circuit to gut large portions of it and overturn many of the rules adopted therein. Petitioners' arguments that the Eighth Circuit's decision to overturn the superior quality rules somehow toppled the Commission's ULL definition and loop conditioning requirement are not convincing. The Court was not that clumsy. In fact, the Court was not clumsy at all. Rather, in the *Iowa Utilities Board* decision, its analysis was pointed and its conclusions were clear. The Court's discussion of the Commission's superior quality rules led to the explicit conclusion that Commission Rules 51.305(a)(4) and 51.311(c) could not stand. It gave no indication that it intended to wipe out Rule 51.319(a) (the Commission's ULL definition), or other parts of the Commission's *Local Competition Order* interpreting the requirements of that rule.

The Eighth Circuit's subsequent *Shared Transport* decision also undermines the Petitioners' arguments. There, the Eighth Circuit again affirmed and clarified the scope of the Commission's broad statutory authority to define UNEs pursuant to Section 251(d)(2).[10] The Court also indicated that in cases such as that presented by Section 251(d)(2), where Congress expressly delegates to the Commission the power to formulate policy and fill gaps in the statutory scheme, the Commission is entitled to "*Chevron* deference", and its rules and policies promulgated pursuant to such delegation

---

9 *See Advanced Services Order*, ¶ 53 (quoting *Local Competition Order*, 11 FCC Rcd. 15499, 15691 (¶ 380), 15692 (¶ 382) (1996)) (internal quotation marks omitted).

10 *Southwestern Bell Tel. Co. v. FCC*, 1998 WL 459536, *5 (8th Cir. Aug. 10, 1998).

will stand "unless they are arbitrary, capricious, or manifestly contrary to the statute."[11] Petitioners have made no case (nor could they) that the Commission's loop conditioning requirement meets any of those standards.

2. The Commission's Loop Conditioning Requirement Permissibly Mandates Modifications to ILECs' Existing Networks

The Commission's loop conditioning requirement is not analogous to the superior quality rules vacated by the Eighth Circuit in its *Iowa Utilities Board* decision. Despite Petitioners' contentions, the loop conditioning requirement does not compel ILECs to construct an "unbuilt superior [network]", nor does it require them to "cater to every desire of a requesting carrier."[12] Rather, the Commission has required ILECs to make specific modifications to their *existing* networks for the specific purpose of making existing loop plant capable of transmitting digital signals. This requires the removal of bridged taps, loading coils and other electronic impediments – not the establishment of a "construction company", as Bell Atlantic franticly and implausibly contends.[13] It certainly does not mandate construction of an unbuilt superior network designed to meet competitors' specifications.

The Commission's pre-*Iowa Utilities Board* use of loop conditioning as an example of a superior quality requirement also cannot support Petitioners' contentions that the Commission's loop conditioning requirement is inconsistent with the Eighth Circuit's decision to vacate two open-ended superior quality rules. Again, the Eighth Circuit's discussion of the Commission's superior quality

---

11 *Id.* at *6 (quoting *Chevron,* 467 U.S. 837, 843 (1984)) (internal quotation marks omitted).

12 Bell Atlantic Petition at 3; SBC Petition at 4.

13 Bell Atlantic Petition at 4. e.spire and Intermedia also note that Bell Atlantic's contention that consumers will be harmed by and will have to foot the bill for the Commission's imposition of the loop conditioning requirement is similarly ludicrous. By statute, Bell (continued...)

rules did not encompass, nor does it appear applicable to, the Commission's loop conditioning requirement. Indeed, the Court explicitly endorsed the Commission's view that "the obligations imposed by sections 251(c)(2) and 251(c)(3) include modifications to incumbent LEC facilities to the extent necessary to accommodate interconnection or access to network elements" and noted that the ILECs themselves "appear to acknowledge that the Act requires some modifications of their facilities."[14] Notably, the Commission, in its *Local Competition Order,* also used loop conditioning as an example of the type of *modification* required by Section 251(c)(3).[15] Thus, it seems evident that the Court intended to make clear that its objection was limited to the Commission's open-ended requirements that ILECs must cater to competitors' requests to provide them with access to "yet unbuilt superior [networks]" of their choosing – it did not intend to limit the Commission's authority to require ILECs to modify their networks in ways, such as loop conditioning, that are necessary to accommodate competitive entry into the market for local digital and data services and to achieve the goals of Section 251 and the 1996 Act in general.

B. Petitioners' Contentions Cannot Be Squared with Section 251(c)(3)

As noted above, SBC contends that ILECs should not be required to provide competitors with access to conditioned loops, unless SBC already has conditioned them for its own use. Under this theory, competitors could not use ULLs to provide digital and advanced telecommunications services, unless SBC already is providing such services to a particular subscriber. Thus, SBC

(...continued)
Atlantic is entitled to recover its forward-looking costs, plus a reasonable profit, for provisioning UNEs.

14 *Iowa Utilities Bd.* at n.33.

15 *Local Competition Order,* 15692 (¶ 382) ("some modification of incumbent LEC facilities, such as loop conditioning, is encompassed within the duty imposed by section 251(c)(3)").

attempts to limit competition to particular customers and the services to which they subscribe. Nothing could be less consistent with the congressional purpose in enacting Section 251(c), or for that matter, Section 706. Indeed, SBC's position is directly at odds with the Commission's determination that "section 251(c)(3) does not limit the types of telecommunications services that competitors may provide over unbundled elements to those offered by the incumbent LEC."[16] It also ignores the Commission's determination that "some modification of incumbent LEC facilities, such as loop conditioning, is encompassed within the duty imposed by section 251(c)(3)."[17] As discussed above, the Eighth Circuit explicitly endorsed the Commission's view that Section 251(c)(3) imposes on ILECs a duty to modify their networks in certain ways. In endorsing that view, the Court implicitly rejected SBC's position that it need not lift a finger to facilitate access by competitors to the network it built with more than 100 years of ratepayer contributions.

Bell Atlantic's position, although milder, also runs afoul of these principles. Bell Atlantic appears to argue that the Commission cannot require it to condition loops in any way other than that which meets the needs of its own service offerings. Thus, Bell Atlantic attempts to limit competition – and innovation – to particular services of its own choosing.[18] Again, this position cannot be (and has not been) squared with the Act, the Commission's decisions interpreting it, and the Eighth Circuit's review of those decisions. Moreover, Bell Atlantic's arguments appear more closely tied to an irrational concern that the Commission will require loop conditioning that is not "technically

---

16 *Advanced Services Order*, ¶ 53 (quoting *Local Competition Order*, 11 FCC Rcd. 15691-92 (¶ 381)).

17 *Local Competition Order*, 11 FCC Rcd. at 15692 (¶ 382).

18 Indeed, Bell Atlantic attempts to set up a rule by which it could deny competitors' conditioning requests – and stop them from delivering new service offerings via ULLs – on grounds that the conditioning requested is not identical to that employed by Bell Atlantic, regardless of whether such conditioning is technically feasible.

feasible".[19] Once again, Bell Atlantic raises a non-issue, as the Commission has limited its loop conditioning requirement to require nothing more than that which is technically feasible.[20]

II. THE COMMISSION CORRECTLY CONCLUDED THAT SECTION 706 DOES NOT CONSTITUTE AN INDEPENDENT GRANT OF FORBEARANCE AUTHORITY

Bell Atlantic and SBC both challenge the Commission's conclusion that Section 706 does not constitute an independent grant of forbearance authority.[21] However, neither Petitioner raises any arguments that have not been considered already and soundly rejected by the Commission in its *Advanced Services Order*. Indeed, after a thorough examination of the statutory language, legislative history and congressional intent, the Commission correctly concluded Section 706 requires the Commission to encourage the timely deployment of advanced telecommunications capability through the use of "authority granted in other provisions", including its new Section 10 forbearance authority granted to the Commission by Congress in the 1996 Act.[22]

Nevertheless, Petitioners contend that the Commission should reverse its decision because Section 10(d) limits only the Commission's ability to exercise its forbearance authority *under that section* and does not limit the Commission's authority to forbear under Section 706.[23] Thus, based on the false premise that Section 706 constitutes an independent grant of forbearance authority, Petitioners contend that such authority is in no way limited by Section 10(d). This reasoning is absurd. Quite plainly, Congress had no reason to limit the Commission's authority to forbear under Section 706 because no such authority exists. Moreover, Congress clearly indicated which of the

---

19 *See id.* at 5.

20 *Advanced Services Order*, ¶ 53.

21 Bell Atlantic Petition at 6; SBC Petition at 5-9.

22 *Advanced Services Order*, ¶¶ 69-79.

23 Bell Atlantic Petition at 6; SBC Petition at 6.

Act's other provisions it intended to exclude from Section 10(d)'s forbearance limitation. Indeed, the limitation of the Commission's forbearance authority applies "[e]xcept as provided in section 251(f)".[24] Reference to Section 706 is conspicuously absent from that provision; as a result, Petitioners' arguments must fail.

Finally, SBC argues that the Commission's conclusion "essentially guts the forbearance obligations of section 706(a) of any meaning."[25] Here, too, SBC bases its conclusion on a false premise. Section 706 imposes on the Commission no specific obligation to forbear. Rather, it imposes on the Commission a duty to encourage the timely deployment of advanced telecommunications capability. Forbearance (pursuant to Section 10) is just one of the regulatory methods by which the Commission may choose to accomplish this goal.

Conclusion

For all the foregoing reasons, the Commission should deny the petitions by Bell Atlantic and SBC for reconsideration or clarification of its *Advanced Services Order*.

Respectfully submitted,

e.spire COMMUNICATIONS, INC. and INTERMEDIA COMMUNICATIONS, INC.

By: Brad Mutschelknaus

Brad E. Mutschelknaus
Jonathan E. Canis
John J. Heitmann
KELLEY DRYE & WARREN LLP
1200 Nineteenth Street, N.W., Suite 500
Washington, D.C. 20036
(202) 955-9600

October 5, 1998

---

24 47 U.S.C. § 160(f).

25 SBC Petition at 7.

CERTIFICATE OF SERVICE

I, Marlene Borack, hereby certify that on this 5th day of October, 1998, I caused true and correct copies of the **OPPOSITION OF e.spire COMMUNICATIONS, INC. and INTERMEDIA COMMUNICATIONS, INC.** to be served via first class mail, postage prepaid, upon those persons listed below:

Richard Taranto
Farr & Taranto
1850 M Street, N.W.
Suite 1000
Washington, DC 20036

Robert B. McKenna
Jeffry A. Brueggeman
US West Inc
1020 19th St., N.W.
Washington, DC 20036

Ronald L. Plesser
Mark J. O'Connor
Stuart P. Ingis
Piper & Marbury LLP
Seventh Floor
1200 Nineteenth St., N.W.
Washington, DC 20036

Bartlett L. Thomas
James J. Valentino
Mintz Levin Cohn Ferris Glovsky And Popeo
701 Pennsylvania Avenue, N.W.
Ste 900
Washington, DC 20004-2608

James R. Young
Edward D. Young III
Michael E. Glover
Bell Atlantic
1320 North Court House Road
8th Floor
Arlington, Va 22201

John T. Lenahan
Christopher Heimann
Frank Michael Panek
Gary Phillips
Ameritech
2000 West Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196-1025

Jonathan E. Canis
Erin M. Reilly
Kelley Drye & Warren LLP
1200 19th Street, N.W., Ste 500
Washington, DC 20036

Christopher W. Savage
James F. Ireland
Cole Raywid & Braverman LLP
1919 Pennsylvania Avenue, N.W.
Ste 200
Washington, DC 20006

Anthony C. Epstein
Jenner & Block
601 Thirteenth Street, N.W.
Washington, DC 20005

Jonathan Jacob Nadler
Squire Sanders & Demsey
1201 Pennsylvania Avenue, N.W.
Box 407
Washington, DC 20044

Kecia Boney
Dale Dixon
Lisa Smith
MCI Telecommunications Corporation
1801 Pennsylvania Ave., N.W.
Washington, DC 20006

Leon M. Kestenbaum
Jay C. Keithley
Sprint Corporation
1850 M Street, N.W.
Washington, DC 20036

National Hispanic Council On Aging
2713 Ontario St., N.W.
Washington, DC 20009

Linda Kent
Keith Townsend
Mary Mcdermott
United States Telephone Association
1401 H Street N.W., Ste 600
Washington, DC 20005

Colleen Boothby
Levin Blaszak Block And Boothby LLP
2001 L Street, N.W., Ste 900
Washington, DC 20036

Terrence K. Ferguson
Sr. VP and General Counsel
Level 3 Communications Inc.
3555 Farnam Street
Omaha, Ne 68131

David N. Porter
Worldcom Inc.
1120 Connecticut Ave., N.W.
Ste 400
Washington, DC 20036

National Association Of Commissions For Women
1828 L Street, N.W., Ste 250
Washington, DC 20036

Kevin Sievert
Glen Grochowski
Local Network Technology
MCI Communications
400 International Parkway
Richardson, Tx 75081

United Homeowners Association
1511 K Street, N.W.
Washington, DC 20005

National Association Of Development Organizations
444 North Capitol St., N.W., Ste 630
Washington, DC 20001

Gail L. Polivy
GTE Service Corporatlon
1850 M Street, N.W.
Ste 1200
Washington, DC 20036

World Institute On Disability
510 16th St.
Ste 100
Oakland, Ca 94612

Anne K. Bingaman
Douglas W. Kinkoph
Bob Mathew
LCI International Corp
8180 Greensboro Drive, Suite 800
Mclean, Va 22102

J. Manning Lee
Vice President Regulatory Affairs
Teleport Commiunications Group Inc.
Two Teleport Drive
Staten Island, Ny 10311

Thomas M. Koutsky
Assistant General Counsel
Covad Communications Company
35670 Bassett Street
Santa Clara, Ca 95054

M. Robert Sutherland
BellSouth Corporation
1155 Peachtree St., N.E.
Atlanta, Ga 30309-3610

G. Richard Klein
Commissioner
Indiana Utility Regulatory Commission
302 W. Washington
Ste E-306
Indianapolis, In 46204

Riley M. Murphy
American Communications Services Inc.
131 National Business Parkway
Ste 100
Annapolis Junction, Md 20701

Gordon M. Ambach
Executive Director
Council Of Chief State School Officers
One Massachusetts Ave., N.W.
Suite 700
Washington, DC 20001

Steven Gorosh
Vice President & General Counsel
Northpoint Communications Inc.
222 Sutter Street
San Francisco, Ca 94108

Russell M. Blau
Richard M. Rindler
Swidler & Berlin, Chtd.
3000 K Street, N.W.
Ste 300
Washington, DC 20007

Richard D. Marks, Esq.
Vinson & Elkins LLP
1445 Pennsylvania Ave., N.W.
Suite 700
Washington, DC 20004-1008

Cheryl L. Parrino
Chairman
Public Service Commission Of Wisconsin
P.O. Box 7854
Madison, Wi 53707-7854

Mark C. Rosenblum
Ava B. Kleinman
AT&T Corp.
295 North Maple Avenue
Room 3252J1
Basking Ridge, NJ 07920

Geore Vradenburg III
America Online Inc.
1101 Connecticut Ave., N.W., Ste 400
Washington, DC 20036

Jeffrey A. Campbell
Stacey Stern Albert
Compaq Computer Corporation
1300 I Street, N.W.
Washington, DC 20005

Howard J. Symons
Michelle M. Mundt
Mintz Levin Cohn Ferris Glovsky And Popeo
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004

R. Gerard Salemme
Senior Vice President External
Affairs And Industry Relations
Daniel Gonzalez
Director Regulatory Affairs
Nextlink Communications Inc.
1730 Rhode Island Ave., N.W.
Suite 1000
Washington, DC 20036

Mark J. Tauber
Teresa S. Werner
Piper & Marbury LLP
1200 19th St., N.W., Seventh Floor
Washington, DC 20036

Dr. David Lytel
Nysernet Inc.
125 Elwood Davis Road
Syracuse, Ny 13212

Cedar City/Iron County Economic Dev.
110 N. Main Street
P.O. Box 249
Cedar City, UT 84720

D. Robert Webster
Bamberger & Feibleman
54 Monument Circle, Ste 600
Indianapolis, In 46204

Thomas J. Sugrue
Halprin Temple Goodman & Sugrue
1100 New York Avenue, N.W.
Suite 650 East
Washington, DC 20005

Christopher W. Savage
James F. Ireland
Karlyn D. Stanley
Cole Raywid & Braverman LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, DC 20006

Joseph W. Waz, Jr.
Vice President External Affairs & Public
Policy Counsel
Comcast Corporation
1500 Market Street
Philadelphia, Pa 19102

Albert H. Kramer
Michael Carowitz
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526

Jeffrey Blumenfeld
Christy C. Kunin
Michael D. Specht
Blumenfeld & Cohen
1615 M Street, N.W., Suite 700
Washington, DC 20036

Joel Bernstein
Halprin Temple Goodman & Sugrue
1100 New York Ave., N.W.
Suite 650 East
Washington, DC 20005

James R. Coltharp
Senior Director Public Policy
Comcast Corporation
1317 F Street, N.W.
Washington, DC 20004

John Hanes
Chairman
House Corporation
Wyoming State Legislature
213 State Capitol
Cheyenne, Wy 82008

Jack Crews
Cheyenne Leads
1720 Carey Avenue, Ste 401
P.O. Box 1045
Cheyenne, Wy 82003-1045

Thomas Gann
Manager Federal Affairs
Sun Microsystems Inc.
1300 I Street, N.W., Ste 420 East
Washington, DC 20005

Karen Peltz Strauss
Legal Counsel For Telecommunications Policy
National Association For The Deaf
814 Thayer Ave
Silver Spring, Md 20910-4500

A. Daniel Scheinman
Laura K. Ipsen
Cisco Systems Inc.
170 West Tasman Drive
San Jose, Ca 95134-1706

National Association Of Development Organizations
444 North Capitol Street NW
Ste 630
Washington, DC 20001

Thomas J. Dunleavy
New York Department Of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Chapin Burks
President
St. George Area Chamber Of Commerce
97 East St. George Blvd.
St. George, UT 84770

Christopher J. White
Deputy Assistant Ratepayer Advocate
The State Of New Jersey
Division Of The Ratepayer Advocate
31 Clinton Street, 11th Floor
Newark, NJ 07101

Cherie R. Kiser
Michael B. Bressman
Mintz Levin Cohn Ferris Glovsky And Popeo PC
701 Pennsylvania Avenue, N.W.
Ste 900
Washington, DC 20004

C. Bennett Lewis
Executive Director
Aurora Chamber Of Commerce
3131 South Vaunway, Ste 426
Aurora, Co 80014

Robert D. Boyseh
President
Laramie Economic Development Corp.
1482 Commerce Drive, Ste A
Laramie, WY 82070

Rodney L. Joyce
J. Thomas Nolan
Shook Hardy & Bacon
801 Pennsylvania Avenue N.W.
Washington DC 20004-2615

John Windhausen, Jr.
General Counsel
Competition Policy Institute
1156 15th St., N.W., Ste 310
Washington, DC 20005

William J. Rooney Jr
Global Naps Inc
Ten Winthrop Square
Boston, Ma 02110

Scott Truman
Executive Director
Utah Rural Development Council
Administration Building 304
Southern Utah University
Cedar City, UT 84720

Joseph K. Witmer
Pennsylvania Public Utility Commission
P.O. Box 3265
Commonwealth Ave. & North
Room 116
Harrisburg, Pa 17105-3265

Gerald Stevens-Kittner
CAI Wireless Systems Inc
2101 Wilson Boulevard, Ste. 100
Arlington, Va 22201

Ellen Deutsch
Senior Counsel
Electric Lightwave Inc
8100 Ne Parkway Drive
Suite 200
Vancouver, Wa 98662

Russell Staiger
Bismark/Mandan Development Assn.
400 E. Broadway Ave., Ste 417
Bismark, ND 58502

J. Jefrey Oxley
Minnesota Department Of Public Service
1200 NCl Tower
445 Minnesota Street
St. Paul, MN 55101-2130

Issue Dynamics Inc
901 15th Street, Ste 230
Washington, DC 20005

Economic Strategy Institute
1401 H Street, N.W.
Suite 750
Washington, DC 20005

National Association Of Community Action Agencies
1100 17th St., N.W., Ste 500
Washington, DC 20036

Gene Vuckovich
Executive Director
Montana Rural Development Partners
115 E Seventh Street, Suite 2A
Anaconda, MT 59711

Thomas Hatch
House Of Representatives
State Of Utah
PO Box 391
Panguitch, UT 84759

Harold Furchgott-Roth**
Commissioner
Federal Communications Commission
1919 M St., N.W., Room 802
Washington, DC 20554

Electric Lightwave Inc
Legal Counsel
4400 77th Ave.
Vancouver, WA 98662

Janice M. Myles**
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Rm 544
Washington, DC 20554

Michael K. Powell**
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, DC 20554

James D. Schlichting**
Federal Communications Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Lawrence Strickling**
Federal Communications Commission
1919 M Street, N.W.
Room 658
Washington, D.C. 20554

James D. Ellis
Robert M. Lynch
Durward D. Dupre
Darryl W. Howard
One Bell Center
Room 3528
St. Louis, MO 63101

Brad E. Mutschelknaus
Marieann Z. Machida
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036

William E. Kennard**
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, DC 20554

Gloria Tristani**
Commissioner
Federal Communications Commission
1919 M St., N.W., Room 826
Washington, DC 20554

Susan Ness**
Commissioner
Federal Communications Commission
1919 M Street, New Room 832
Washington, DC 20554

Kathryn C. Brown**
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

Carol Mattey**
Federal Communications Commission
1919 M Street, N.W.
Room 544
Washington, D.C. 20554

Mark L. Evans
Sean A. Lev
Rebeca A. Beynon
Kellogg, Huber, Hansen,
Todd and Evans
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20006

Riley M. Murphy
Vice President And General Counsel
E.Spire Communications Inc.
131 National Business Parkway
Suite 100
Annapolis Junction, Md 20701

Lawrence W. Katz
1320 North Court House Road
8th Floor
Arlington, VA 22201

Robert W. McCausland
Vice President Regulatory And
Interconnection Allegiance Telecom
1950 Stemmons Freeway, Ste. 3026
Dallas, Tx 75207-3118

Barbara A. Dooley
Executive Director
Commercial Internet Exchange Assoc.
1041 Sterling Road, Suite 104A
Herndon, Va 20170

Cindy Z. Schonhaut
Senior Vice President Of Government Affairs
& External Affairs
ICG Communications Inc
161 Inverness Drive
Englewood, Co 80112

Catherine R. Sloan
Richard L. Fruchterman III
Richard S. Whitt
WorldCom Inc.
1120 Connecticut Ave. N.W.
Suite 400
Washington, DC 20036

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1620 I Street, N.W., Ste 701
Washington, DC 20006

Kevin Timpane
Vice President Public Policy
Firstworld Communications Inc
9333 Genessee Avenue, Ste. 200
San Diego, Ca 92121

W. Scott McCollough
McCollough And Associates PC
1801 North Lamar, Ste 104
Austin, Tx 78701

David J. Newburger
Newburger & Vossmeyer
One Metropolitan Square
Suite 2400
St Louis, Mo 63102

Kevin Sievert
Glen Grochowski
MCI Communications
Local Network Technology
400 International Pkwy
Richardson, Tx 75081

Anthony C. Epstein
Jenner & Block
601 Thirteenth Street
12th Floor South
Washington, DC 20005

Steven M. Hoffer
Coalition Representing Internet Service Providers
95 Mariner Green Dr.
Corte Madera, Ca 94925

M. Robert Sutherland
Stephen L. Earnest
BellSouth Corporation
1155 Peachtree St., N.E.
Ste 1700
Atlanta, GA 30309-3610

Lawrence G. Malone
General Counsel
State Of New York Department Of Public Service
Three Empire State Plaza
Albany, Ny 12223-1350

Dana Frix
Kemal M. Hawa
Swidler & Berlin Chtd.
3000 K Street, N.W., Ste 300
Washington, DC 20007-5116

Robert W. McCausland
Vice President Regulatory And Interconnection
Allegiance Telecom Inc.
1950 Stemmon Freeway, Ste 3026
Dallas, Tx 75207-3113

Thomas M. Koutsky
Assistant General Counsel
Covad Communications Company
6849 Old Dominion Drive, Suite 220
McLean, Va 22101

International Transcription Services Inc
1231 20th Street, N.W.
Washington, DC 20036

Peter Arth Jr.
William N. Foley
Mary Mack Adu
505 Van Ness Ave
San Francisco, Ca 94102

Angela Ledford
Keep America Connected
P.O. Box 27911
Washington, DC 20005

Maureen Lewis
General Counsel
Alliance For Public Technology
901 15th St., N.W., Ste 230
Washington, DC 20038-7146

Peter A. Rohrbach
Linda L. Oliver
David L. Sieradzki
Hogan & Hartson LLP
555 Thirteenth St., N.W.
Washington, DC 20004

Competitive Pricing Division
Federal Communications Commission
1919 M Street, N.W. - Rm 518
Washington, DC 20554

Charles D. Gray
General Counsel
National Association Of Regulatory Utility Commissioners
1100 Pennsylvania Avenue, Ste 608
P.O. Box 684
Washington, DC 20044

Richard J. Metzer
Emily M. Williams
Association For Local Telecommunications Services
888 17th St., N.W., Ste 900
Washington, DC 20006

Randall B. Lowe
J. Todd Metcalf
Piper & Marbury LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036

Eric R. Olbeter
Economic Strategy Institute
1401 H Street, N.W., Ste 750
Washington, DC 20005

David W. Zeisiger
Donn T. Wonnell
Independent Telephone & Telecommunications Alliance
1300 Connecticut Avenue, N.W., Ste 600
Washington, DC 20036

Dr. Janet K. Poley
University Of Nebraska
C218 Animal Sciences
P.O. Box 830952
Lincoln, Ne 68583-0952

Genevieve Morelli
Executive Vice President and General Counsel
Competitive Telecommunications Association
1900 M Street, N.W., Suite 800
Washington, D.C. 20036

Unable To Serve The Following Due To Lack Of Mailing Address On Pleading Submitted To FCC:

Charles Conrad
Organizations Concerned About Rural Education

Dan Gifford
Washington Economic Development Council

Marlene Borack

Marlene Borack

** via hand delivery