

level by forcing ILECs to treat all CLECs equally with respect to loop provision and collocation space. Thus, the separate affiliate option is important to achieve deregulation at the retail level for advanced services as the ILECs wish.

Through the separate affiliate option, the Commission offers a regulatory choice to incumbents based on rational market analysis. The ILECs must choose whether to hold fast to the market power that they cannot disguise and remain regulated dominant providers, or to create fully separate subsidiaries that may provide advanced services as a deregulated CLEC. To force the ILECs to make this choice does them no hardship; each option carries costs but also enormous opportunities. To excuse the ILECs from this choice and to allow them to enter another retail market while maintaining dominance in the wholesale market is to signal the end of potential competition in advanced services.

#### **IV. ADVANCED SERVICES ARE PROPERLY REGULATED AS “TELECOMMUNICATIONS SERVICES” UNDER TITLE II**

DATA members have already demonstrated that a traditional antitrust, market-based analysis requires that ILECs be regulated as dominant carriers in the provision of advanced services inputs under the most suitable regime, Title II. Title II is the applicable regulatory regime because advanced services are telecommunications services over which the FCC retains regulatory authority. Advanced telecommunications services are not “enhanced” services, which the Commission chooses not to regulate. Therefore, any ILEC attempt to escape Title II regulation of advanced services must also fail as a matter of Commission regulatory precedent.

## A. **Background of the Basic - Enhanced Communications Regulatory Dichotomy**

The Commission divides all communications services into two categories: basic services, which it regulates, and enhanced services, which it does not.<sup>36</sup> Basic services give “pure transmission capability over a communications path that is virtually transparent in terms of its interaction with customer supplied information.”<sup>37</sup> Basic services fall within the category of telecommunications because, as its definition describes, they merely transmit information “without change in the form of content of the information as sent and received.” 47 U.S.C. § 153(43). Enhanced services include any communication that “is more than a basic transmission service,”<sup>38</sup> in that “computer processing applications are used to act of the content, code, protocol, and other aspects of the subscriber’s information.”<sup>39</sup> The Commission has retained authority under Title II only over basic services.<sup>40</sup>

The distinction between basic and enhanced services bears directly on the regulation of advanced services and must not be lost amid the current frenzy of ILEC deregulatory commentary. The Commission can assert regulatory authority over advanced services simply by adhering to the basic - enhanced dichotomy that it created almost two decades ago. According to that dichotomy, any service that provides only a conduit for communications, without acting on the form or content of the information communicated, must be regulated as a telecommunications service under Title II. Because advanced telecommunications services,

---

<sup>36</sup> *In the Matter of Amendment of Section 64.702 of the Commission’s Rules and Regulations*, 77 FCC.2d 384, 387 (1980)(“*Computer II*”).

<sup>37</sup> *Computer II*, 77 FCC.2d at 420, *aff’d In the Matter of Federal-State Joint Board on Universal Service*, Report to Congress, CC Docket No. 96-45, FCC 98-67 (rel Apr. 10, 1998)(“*Stevens Report*”) ¶ 45.

<sup>38</sup> *Computer II*, 77 FCC.2d at 420.

<sup>39</sup> *Id.* See also 47 C.F.R. § 67.702(a).

<sup>40</sup> *Computer II*, 77 FCC.2d at 387. See also *Stevens Report* ¶ 13.

including DSL-based services, are themselves simple conduits, they are subject to all Title II regulations that the Commission currently enforces over telecommunications.

**B. Section 706 Was Not a Mandate for the FCC to Abandon Title II Telecommunications Regulation**

The ILECs discuss Section 706 as a vehicle for deregulation that exists outside or apart from the rest of the 1996 Act.<sup>41</sup> Such a reading of Section 706 is flatly incorrect for both statutory as well as policy reasons. Not only does the 1996 Act expressly contemplate the enforcement of Title II with regard to advanced services, but any attempt to re-classify ILECs as non-common carriers simply ignores reality.

The FCC has already correctly held that Section 706 does not require or encourage the FCC to abandon regulation of advanced services under the local competition provisions of Sections 251 and 271. The Commission found that Section 706 included “an affirmative obligation to encourage the deployment of advanced services, relying on [its] authority established elsewhere in the Act.”<sup>42</sup> Therefore any attempt by the ILECs to reargue that point is moot and inappropriate in this forum.

The plain language of Section 706 gives the Commission the authority to employ “measures that promote competition in the local telecommunications market” in order to “encourage deployment” of advanced services. 47 U.S.C. § 706(a). This language unquestionably refers to the Title II local competition provisions, including Sections 251 and 252 that guarantee CLECs access to unbundled loops and collocation. Contrary to the contentions of

---

<sup>41</sup> US West argues that the FCC’s “sector-by-sector” approach to regulating advanced services ignores Congress’s instruction in Section 706 that it should regulate advanced services “without regard to any transmission media or technology.” US West Comments at 25 (citation omitted). Ameritech contends that “§706 [*sic*] requires the Commission to remove . . . regulatory barriers,” Ameritech Comments at 12, and that Section 251 unbundling and resale requirements thwart “Congress’ interest in a market-driven deployment of advanced telecommunications capability,” *id.* at 13.

<sup>42</sup> Memorandum Opinion and Order ¶ 74.

the ILECs,<sup>43</sup> Section 706(a) does not instruct the FCC to employ local competition solutions only if deployment of advanced services has already failed to occur; nothing in Section 706 or simple common sense would require the Commission to wait for that result. Further, Section 706 does not, as the ILECs maintain,<sup>44</sup> mandate regulatory forbearance as the sole means for encouraging deployment of advanced services. Rather, Section 706 merely includes forbearance among the options available to the Commission and, as the FCC correctly held in the Memorandum Opinion and Order, “does not constitute an independent grant of forbearance authority”<sup>45</sup> apart from Title II and Section 10 of the Act.

The ILEC contention that Section 706 makes advanced services a unique phenomenon to be regulated outside Title II similarly fails on policy grounds. The clear intention of Congress, to encourage the development of and competition in advanced services, could never occur if the Commission is hamstrung from regulating those players that have the power to dominate, and perhaps totally monopolize, advanced services. The advanced services market at present, as has been demonstrated above, is yet a nascent one that is completely dependent on the facilities that the ILECs control. It makes no policy sense to deem the market a level playing field and deregulate the players that control the bottleneck facilities. Such action would entirely thwart Congress’s goal of fostering competition in the new advanced services market. Therefore, the ILECs must remain subject to Title II while deploying Section 706 advanced services to ensure that their monopoly power does not choke this nascent market.

---

<sup>43</sup> Ameritech Comments at 2.

<sup>44</sup> “Section 706 *requires* the Commission to use regulatory forbearance and other measures to encourage the rapid deployment of advanced services to American consumers,” Bell South Comments at 42 (emphasis supplied); “all providers of advanced services should be deregulated to the greatest possible extent,” GTE Comments at 14.

<sup>45</sup> Memorandum Opinion and Order ¶ 69.

## CONCLUSION

The reasonable and timely deployment of advanced services requires that the market power that the ILECs exercise over service inputs be minimized via Title II regulation of dominant carriers and the requirement of separate affiliates for provision of advanced services. Section 706 does not provide a separate mandate for the Commission to ignore its own regulatory history of regulating dominant carriers in order to encourage competition among service providers, nor does it operate outside the framework of the local competition provisions of the 1996 Act.

Rather, by employing the obligations that Title II imposes on local monopolists, the Commission can ensure that competitors have access to the essential facilities, most importantly clean copper loops and collocation space, that will enable the deployment of advanced services to continue.

Respectfully submitted,

DSL ACCESS TELECOMMUNICATIONS  
ALLIANCE

By   
Jeffrey Blumenfeld  
Glenn B. Manishin  
Colin N. Alberts  
Stephanie A. Joyce  
Frank V. Paganelli  
Blumenfeld & Cohen -- Technology Law Group  
1615 M Street, N.W., Suite 700  
Washington, D.C. 20036  
202.955.6300 phone  
202.955.6460 facsimile

Kevin Timpane  
Esther H. Rosenthal  
FirstWorld Communications, Inc.  
9333 Genesee Avenue  
San Diego, CA 92121  
619.552.8010

Jeffrey Blumenfeld  
Rhythms NetConnections Inc.  
7337 So. Revere Parkway, Suite 100  
Englewood, CO 80112  
303.476.4200

Michael D. Specht  
First Regional TeleCOM LLC  
2814 Upton Street, N.W.  
Washington, D.C. 20008  
202.244.1254

Steven Gorosh  
Vice President and General Counsel  
NorthPoint Communications, Inc.  
222 Sutter Street, Suite 700  
San Francisco, CA 94108  
415.403.4003

Dated: October 8, 1998

*Counsel for DSL Access  
Telecommunications Alliance*

## CERTIFICATE OF SERVICE

I, Amy E. Wallace, do hereby certify on this 8th day of October, 1998, that I have served a copy of the foregoing document via \*messenger and U.S. Mail, first-class mail, postage prepaid, to the parties below:

  
\_\_\_\_\_  
Amy E. Wallace

\*William E. Kennard  
Chairman  
FCC  
1919 M Street, N.W.  
Room 814  
Washington, DC 20554

\*Michael Powell  
Commissioner  
FCC  
1919 M Street, N.W.  
Room 844  
Washington, DC 20554

\*Gloria Tristani  
Commissioner  
FCC  
1919 M Street, N.W.  
Room 826  
Washington, DC 20554

\*ITS  
1231 20th Street, N.W.  
Washington, DC 20036

William T. Lake  
John H. Harwood II  
Jonathan J. Frankel  
WILMER, CUTLER, & PICKERING  
2445 M Street, N.W.  
Washington, DC 20037

\*Susan Ness  
Commissioner  
FCC  
1919 M Street, N.W.  
Room 832  
Washington, DC 20554

\*Harold Furchtgott-Roth  
Commissioner  
FCC  
1919 M Street, N.W.  
Room 802  
Washington, DC 20554

\*Janice M. Myles  
Common Carrier Bureau  
FCC  
1919 M Street, N.W.  
Room 544  
Washington, DC 20554

John Thorne  
Robert Griffen  
BELL ATLANTIC  
1320 North Court House Road  
8th Floor  
Arlington, VA 22201

Richard Taranto  
FARR & TARANTO  
2445 M Street, N.W.  
Suite 225  
Washington, DC 20037

Robert B. McKenna  
Jeffrey A. Brueggeman  
US WEST, INC.  
1020 19th Street, N.W.  
Washington, DC 20036

Donald B. Russell  
Chief, Telecommunications Task Force  
Antitrust Division  
DEPARTMENT OF JUSTICE  
1401 H Street, N.W., 8th Floor  
Washington, DC 20530

M. Robert Sutherland  
Michael A. Tanner  
Stephen L. Earnest  
BELLSOUTH CORPORATION  
1155 Peachtree Street, N.E.  
Atlanta, GA 30309-3610

John F. Raposa  
GTE SERVICE CORPORATION  
600 Hidden Ridge, HQE03J27  
P.O. Box 152092  
Irving, TX 75015-2092

Anne K. Bingaman  
Douglas W. Kinkoph  
LCI INTERNATIONAL TELECOM. CORPORATION  
8180 Greensboro Drive, Suite 800  
McLean, VA 22102

Peter A. Rohrback  
Linda A. Oliver  
David L. Sieradzki  
HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004

Kevin Sievert  
Glen Grochowski  
MCI COMMUNICATIONS  
Local Network Technology  
400 Interanational Parkway  
Richardson, TX 75081

John T. Lenaham  
Michael S. Pabian  
AMERITECH CORPORATION  
2000 West Ameritech Center Drive, Room 4H84  
Hoffman Estates, IL 60196-1025

James D. Ellis  
Robert M. Lynch  
Durward D. Dupre  
SBC COMMUNICATIONS INC.  
One Bell Plaza, Room 3703  
Dallas, TX 75202

Catherine R. Sloan  
Richard L. Fruchterman III  
Richard S. Whitt  
WORLD.COM, INC.  
1120 Connecticut Avenue, N.W., Suite 400  
Washington, DC 20036

Gail L. Polivy  
GTE SERVICE CORPORATION  
1850 M Street, N.W.  
Suite 1200  
Washington, DC 20036

Anthony C. Epstein  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Washington, DC 20005

Mark C. Rosenblum  
Ava B. Kleinman  
James H. Bolin, Jr.  
AT&T CORPORATION  
295 North Maple Avenue, Room 3252JI  
Basking Ridge, NJ 07920

Kecia Boney  
Dale Dixon  
Larry Blosser  
Lisa B. Smith  
MCI TELECOMMUNICATIONS CORPORATION  
1801 Pennsylvania Avenue, N.W.  
Washington, DC 20006

Leon M. Kestenbaum  
Jay C. Keithley  
H. Richard Juhnke  
SPRINT CORPORATION  
1850 M Street, N.W.  
Washington, DC 20036

Cherie R. Kiser  
Michael B. Bressman  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO, P.C.  
701 Pennsylvania Avenue, N.W., Suite 900  
Washington, DC 20004

Lawrence E. Sarjeant  
Linda Kent  
Keith Townsend  
UNITED STATES TELEPHONE ASSOCIATION  
1401 H Street, N.W., Suite 600  
Washington, DC 20005

Robert J. Aamo  
Steven A. Augustino  
KELLEY DRYE & WARREN, LLP  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

Ronald Binz  
Debra Berlyn  
John Windhausen  
COMPETITION POLICY INSTITUTE  
1156 15th Street, N. W., Suite 310  
Washington, DC 20005

Richard D. Marks  
Albert D. Shuldiner  
Megan H. Troy  
VINSON & ELKINS, L.L.P.  
1455 Pennsylvania Avenue, N.W.  
Washington, DC 20004

G. Richard Klein  
Commissioner  
INDIANA UTILITY REGULATORY COMMISSION  
302 W. Washington  
Suite E-306  
Indianapolis, IN 46204

David Ellen  
Senior Counsel  
CABLEVISION LIGHTPATH, INC.  
111 New South Road  
Hicksville, NY 11801

J. Manning Lee  
Teresa Marrero  
TELEPORT COMMUNICATIONS GROUP INC.  
Two Teleport Drive  
Staten Island, NY 10311

Genevieve Morelli  
COMPETITIVE TELECOMMUNICATIONS ASSOC.  
1900 M Street, N.W.  
Suite 800  
Washington, DC 20036

Ronald L. Plesser  
Mark J. O'Connor  
Stuart P. Ingis  
PIPER & MARBURY L.L.P.  
1200 Nineteenth Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20036

Jonathan Jacob Nadler  
Brian J. McHugh  
SQUIRE, SANDERS & DEMPSEY  
1201 Pennsylvania Avenue, N.W.  
Box 407  
Washington, DC 20044

Cheryl L. Parrion  
Chairman  
PUBLIC SERVICE COMMISSION OF WISCONSIN  
P.O. Box 7854  
Madison, WI 53707-7854

J. Jeffrey Oxley  
Assistant Attorney General  
MINNESOTA DEPARTMENT OF PUBLIC SERVICE  
1200 NCL Tower  
445 Minnesota Street  
St. Paul, MN 55101-2130

Maureen A. Lewis  
Henry Geller  
ALLIANCE FOR PUBLIC TECHNOLOGY  
901 15th Street, N.W.  
Suite 230  
Washington, DC 20038-7146

Randall B. Lowe  
J. Todd Metcalf  
PIPER & MARBURY L.L.P.  
1200 Nineteenth Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20036

George Vradenburg, III  
William W. Burrington  
Jill A. Lesser  
Steven N. Teplitz  
AMERICA ONLINE, INC.  
1101 Connecticut Avenue, N.W., Suite 400  
Washington, DC 20036

Jeffrey A. Campbell  
Stacey Stern Albert  
COMPAQ COMPUTER CORP.  
1300 I Street, N.W.  
Washington, DC 20005

Jonathan E. Canis  
KELLEY DRYE & WARREN, LLP  
1200 19th Street, N.W.  
Suite 500  
Washington, DC 20554

Brad E. Mutschelknaus  
Edward A. Yorkgitis, Jr.  
John J. Heitmann  
KELLEY DRYE & WARREN LLP  
1200 19th Street, N.W., Suite 500  
Washington, DC 20036

Colleen Boothby  
LEVINE, BLASZAK, BLOCK AND BOOTHBY, LLP  
2001 L Street, N.W.  
Suite 900  
Washington, DC 20036

Charles C. Hunter  
Catherine M. Hannan  
HUNTER COMMUNICATIONS LAW GROUP  
1620 I Street, N.W.  
Suite 701  
Washington, DC 20006

Mark J. Tauber  
Teresa S. Werner  
PIPER & MARBURY L.L.P.  
1200 19th Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20036

Russell M. Blau  
Richard M. Rindler  
Tamar E. Finn  
SWIDLER & BERLIN, CHTD.  
3000 K Street, N.W., Suite 300  
Washington, DC 20007

Thomas M. Koutsky  
Assistant General Counsel  
COVAD COMMUNICATIONS CORPORATION  
3560 Bassett Street  
Santa Clara, CA 95054

Riley M. Murphy  
James C. Falvey  
AMERICAN COMMUNICATIONS SERVICES, INC.  
131 National Business Parkway  
Suite 100  
Annapolis Junction, MD 20701

Terrence J. Ferguson  
LEVEL 3 COMMUNICATIONS, INC.  
3555 Farnam Street  
Omaha, NE 68131

Christopher W. Savage  
James F. Ireland  
COLE, RAYWID & BRAVERMAN, L.L.P.  
1919 Pennsylvania Avenue, N.W.  
Suite 200  
Washington, DC 20006

Joel Berstein  
HALPRIN, TEMPLE, GOODMAN & SUGRUE  
1100 New York Avenue, N.W.  
Suite 650 East  
Washington, DC 20005

Charles Eldering, Ph.D.  
TELECOM PARTNERS LTD.  
900 Town Center  
New Britain, PA 18901

Albert H. Kramer  
Michael Carowitz  
Valerie M. Furman  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L Street, N.W.  
Washington, DC 20037-1526

Bartlett L. Thomas  
James J. Valention  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO, P.C.  
701 Pennsylvania Avenue, N.W., Suite 900  
Washington, DC 20004-2608

National Association of Commissions of Women  
1828 L Street, N.W.  
Suite 250  
Washington, DC 20036

National Assoc. of Development Organizations  
444 North Capital Street, N.W.  
Suite 630  
Washington, DC 20001

David J. Newburger  
NEWBURGER & VOSSMEYER  
One Metropolitan Square, Suite 2400  
St. Louis, Missouri 63102

Thomas R. Eames  
President  
NEXT LEVEL COMMUNICATIONS  
6085 State Farm Drive  
Rohnert Park, CA 94928

James M. Smith  
EXCEL TELECOMMUNICATIONS, INC.  
3000 K Street, N.W.  
Suite 300  
Washington, DC 20007

David F. Callan  
XCOM TECHNOLOGIES, INC.  
One Main Street  
Cambridge, MA 02142

World Institute on Disability  
510 16th Street  
Suite 100  
Oakland, CA 94612

National Hispanic Council on Aging  
2713 Ontario Street, N.W.  
Washington, DC 20009

Robert M. Lynch  
Durward D. Dupre  
Darryl W. Howard  
SBC COMMUNICATIONS INC.  
One Bell Plaza, Room 3703  
Dallas, TX 75202

Dana Frix  
Kathleen L. Greenan  
SWIDLER & BERLIN SHEREFF FRIEDMAN, LLP  
3000 K Street, N.W. Suite 300  
Washington, D.C. 20007-5116

Robert W. McCausland  
Vice-President, Regulatory and Interconnection  
ALLEGIANCE TELECOM, INC.  
1950 Stemmons Freeway, Suite 3026  
Dallas, TX 75207-3118

Steven M. Hoffer  
CRISP  
95 Mariner Green Dr.  
Corte Madera, CA 94925

Robert D. Collet  
Chairman of the Board  
Commercial Internet eXchange Association  
1041 Sterling Road, Suite 104A  
Herndon, VA 20170

Michael S. Slomin  
Bell Communications Research, Inc.  
445 South Street, MCC-1J130R  
Morristown, NJ 07960

Gary M. Epstein  
Karen Brinkmann  
LATHAM & WATKINS  
1001 Pennsylvania Avenue, N.W., Ste. 1300  
Washington, DC 20004-2505

R. Michael Senkowski  
Jeffrey S. Linder  
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, DC 20006

Peter D. Keisler  
Michael Doss  
James P. Young  
SIDLEY & AUSTIN  
1722 Eye Street, N.W.  
Washington, DC 20006

Cindy Z. Schonhaut  
Senior V.P. of Government Affairs & External Affairs  
ICG Communications, Inc.  
161 Inverness Drive  
Englewood, CO 80112

W. Scott McCollough  
Rina Y. Hartline  
MCCOULLOUGH AND ASSOCIATES, P.C.  
1801 North Lamar, Suite 104  
Austin, Texas 78701

Barbara A. Dooley  
Executive Director  
Commercial Internet eXchange Association  
1041 Sterling Road, Suite 104A  
Herndon, VA 20170

Matthew A. Brill  
WILMER, CUTLER & PICKERING  
2445 M Street, N.W.  
Washington, DC 20037

James H. Barker  
Johanna Mikes  
LATHAM & WATKINS  
1001 Pennsylvania Avenue, N.W., Ste. 1300  
Washington, DC 20004-2505

Richard A. Beverly  
General Counsel  
DC Public Service Commission  
717 Fourteenth Street, N.W.  
Washington, DC 20005

Thomas R. Gibbon  
Anthony M. Black  
Frankie Foster-Davis  
BELL, BOYD & LLOYD  
1615 L Street, N.W., Ste. 1200  
Washington, DC 20036

Lawrence G. Malone  
General Counsel  
Public Service Commission of the State of New York  
Three Empire State Plaza  
Albany, NY: 12223

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

Margot Smiley Humphrey  
KOTEEN & NAFTALIN, L.L.P.  
1150 Connecticut Avenue, N.W.  
Washington, DC 20036-4104

Earl W. Comstock  
SHER & BLACKWELL  
1850 M Street, N.W., Ste. 900  
Washington, DC 20036

David A. Irwin  
IRWIN, CAMPBELL & TANNENWALD, P.C.  
1730 Rhode Island Avenue, N.W., Ste. 200  
Washington, DC 20036-3101

David Ellen, Esq.  
CABLEVISION SYSTEMS CORP.  
One Media Crossways  
Woodbury, NY 11797

Susan M. Eid  
David Rubashkin  
Cameron Graham  
MEDIAONE GROUP, INC.  
1919 Pennsylvania Ave., N.W., Ste. 610  
Washington, DC 20006

Joseph W. Waz, Jr.  
V.P. External Affairs & Public Policy Counsel  
COMCAST CORPORATION  
1500 Market Street  
Philadelphia, PA 19102

David F. Fisher  
Vice President, General Counsel & Corporate Secretary  
ADC TELECOMMUNICATIONS, INC.  
12501 Whiteater Drive  
Minnetonka, MN 55343

Joseph T. Garrity  
QWEST COMMUNICATIONS CORPORATION  
555 17<sup>th</sup> Street  
Denver, CO 80202

Brian Conboy  
Thomas Jones  
WILLKIE FARR & GALLAGHER  
1155 21<sup>st</sup> Street, N.W.  
Washington, DC 20036

Carol C. Henderson  
Executive Director  
American Library Association Washington Office  
1301 Pennsylvania Ave., N.W., Ste. 403  
Washington, DC 20004

Howard J. Symons  
Gil M. Strobel  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO, P.C.  
701 Pennsylvania Avenue, N.W., Ste. 900  
Washington, DC 20004-2608

Joseph W. Miller  
WILLIAMS COMMUNICATIONS, INC.  
P.O. Box 2400  
One Williams Center, Ste. 4100  
Tulsa, OK 74102

Stephen L. Goodman  
HALPRIN, TEMPLE, GOODMAN & SUGRUE  
1100 New York Avenue, N.W.  
Suite 650, East Tower  
Washington, DC 20005

Donald Weightman  
510 C Street, N.E.  
Washington, DC 20002

Henry Goldberg  
W. Kenneth Ferree  
GOLDBERG, GODLES, WIENER & WRIGHT  
1229 Nineteenth Street, N.W.  
Washington, DC 20036

Jeffrey H. Smith  
GVNW Inc./Management  
P.O. Box 2330  
8050 S.W. Warm Springs Street, Ste. 200  
Tualatin, OR 97062

Kathryn A. Kleiman  
INTERNET MATTERS  
P.O. Box 25876  
Alexandria, VA 22313

Mark A. Grannis  
Evan R. Grayer  
HARRIS, WILTSHIRE & GRANNIS LLP  
1200 Eighteenth Street, N.W.  
Washington, DC 20036

Wayne Moyers, Vice President  
WIRELESS INFORMATION NETWORKS FORUM  
1200 19<sup>TH</sup> Street, N.W.  
Suite 300  
Washington, DC 20036-2401

John G. Lamb, Jr.  
NORTHERN TELECOM INC.  
2100 Lakeside Boulevard  
Richardson, TX 75081-1599

William J. Evans  
PARSONS BEHLE & LATIMER  
One Utah Center  
201 South Main Street, Ste. 1800  
P.O. Box 45898  
Salt Lake City, Utah 45898

Michael E. Katzenstein  
Vice-President & General Counsel  
OpTel, Inc.  
111 W. Mockingbird Lane  
Dallas, TX 75247

Donna N. Lampert  
Yaron Dori  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO, P.C.  
701 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2608

Mitchell Lazarus  
FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Bruce Kushnick  
Executive Director  
NEW NETWORKS INSTITUTE  
825 Broadway, Suite 900  
New York, NY 10003

Alan McCollough  
W. Stephen Cannon  
CIRCUIT CITY STORES, INC.  
9950 Mayland Drive  
Richmond, VA 23233

Robert Berger  
Russell Merbeth  
Barry Ohlson  
WinStar Communications, Inc.  
1146 19<sup>th</sup> Street, N.W., Ste. 200  
Washington, DC 20036

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

Daniel L. Brenner  
Neal M. Goldberg  
David L. Nicoll  
1724 Massachusetts Avenue, N.W.  
Washington, DC 20036

Andrea D. Williams  
Randall S. Coleman  
Cellular Telecommunications Industry Association  
1250 Connecticut Avenue, N.W., Ste. 200  
Washington, DC 20036

Emily C. Hewitt  
George N. Barclay  
Michael J. Ettner  
GENERAL SERVICES ADMINISTRATION  
1800 F Street, N.W., Room 4002  
Washington, DC 20405

L. Marie Guillory  
Jill Canfield  
NATIONAL TELEPHONE COOPERATIVE ASSOC.  
2626 Pennsylvania Avenue, N.W.  
Washington, DC 20037

Caressa D. Bennet  
Gregory W. Whiteaker  
BENNET & BENNET, PLLC  
1019 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036

Sean A. Stokes  
THE BALLER LAW GROUP  
1820 Jefferson Place, N.W.  
Suite 200  
Washington, DC 20036

Mary McDermott  
Mark J. Golden  
Cynthia S. Thomas  
PERSONAL COMMUNICATIONS INDUSTRY ASSOC.  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314-1561

Cheryl A. Tritt  
Charles H. Kennedy  
MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, DC 20006-1888

Paul G. Madison  
Michael J. Francesconi  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W., Ste. 500  
Washington, DC 20036

Jordan Clark, President  
UNITED HOMEOWNERS ASSOCIATION  
655 15<sup>th</sup> Street, N.W., Ste. 460  
Washington, DC 20005

Renee Roland Crittendon  
PIPER & MARBURY LLP  
1200 Nineteenth Street, N.W.  
Washington, DC 20036-2430

Charles M. Brewer  
Chairman and Chief Executive Officer  
MINDSPRING ENTERPRISES, INC.  
1430 West Peachtree Street, Ste. 400  
Atlanta, GA 30309

Laurence E. Harris  
David S. Turetsky  
Stuart H. Kupinsky  
TELIGENT, INC.  
8065 Leesburg Pike, Ste. 400  
Vienna, VA 22182

Philip L. Verveer  
Gunnar D. Halley  
WILLKIE FARR & GALLAGHER  
1155 21<sup>st</sup> Street, N.W.  
Washington, DC 20036

Michael L. Theis, President  
Kiesling Consulting, LLC  
6401 Odana Road  
Madison, WI 53719-1155

Shad Nygren  
President  
Virtual Hipster Corporation  
149 Industrial Way  
Fallon, NV 89406

Kathryn Clofelter  
6341 W. Newton Steward Rd.  
Taswell, IN 47175

Richard J. Metzger  
Emily M. Williams  
Association for Local Telecommunications Services  
888 17<sup>th</sup> Street, N.W., Ste. 900  
Washington, DC 20006

Douglas E. Hart  
FROST & JACOBS LLP  
2500 PNC Center  
201 East Fifth Street  
Cincinnati, OH 45202