

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of USTelecom for Forbearance)	WC Docket No. 14-192
Pursuant to 47 U.S.C. §160(c) from)	
Enforcement of Obsolete Incumbent LEC)	
Legacy Regulations that Inhibit)	
Deployment of Next-Generation Networks)	
)	

**REPLY COMMENTS OF THE
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee (“AICC”) files these Reply Comments on the question of, and in opposition to, USTelecom’s Forbearance Petition.¹ AICC also files in support of the oppositions of COMPTEL and the National Association of State Utility Consumer Advocates (NASUCA). For the reasons discussed below, the Petition should be denied.

In initial joint comments filed with Full Service Network, LLC (“FSN”), AICC discussed the fact that USTelecom’s request to forbear from Open Network Architecture (ONA) and Comparably Efficient Interconnection (“CEI”) requirements is anticompetitive at the core, and thus fails the statutory forbearance criteria.² FSN and AICC further noted that the Commission has already rejected a recent USTelecom petition seeking almost identical relief,³ designated another proceeding in order to consider the elimination of ONA elements,⁴ and specifically noted

¹ Petition for Forbearance of the United States Telecom Association, WC Docket No. 14-192, filed October 16, 2014 (the “Petition”)

² Opposition of Full Service Network LLP and the Alarm Industry Communications Committee to USTelecom’s Petition for Forbearance, WC Docket No. 14-192, filed December 5, 2014 at pp. 3-4 (“*FSN/AICC Opposition*”).

³ *Id.* at p. 5.

⁴ *Id.*

the detrimental impact of the requested relief upon alarm monitoring and voice mail services.⁵ It is certainly relevant that the Commission's further proceeding contemplated the provision of data in order to grant the requested forbearance.⁶ (The lack of relevant data is discussed later in these comments). In light of the Commission's rejection of USTelecom's previous petition, FSN and AICC also argued that the instant petition is frivolous.⁷

Both COMPTTEL and NASUCA argue in their initial comments that USTelecom has failed to make the threshold statutory showing that forbearance will promote competition among providers of telecommunications services and that forbearance is therefore in the public interest.⁸ Specifically, both commenters note the absence of a traditional, granular market power analysis as required in the Commission's *Qwest Phoenix Order*.⁹ AICC agrees with these comments.

USTelecom's sole effort to address the narrowband alarm transmission markets consists of the following statement: "Many alarm systems can and do use cable and other qualifying VoIP providers."¹⁰ This statement hardly rises to the level of a market analysis as required by the *Qwest Phoenix Order*, and indeed, appears to be supported only by two data points. AICC is aware that only about a representative 25% of the alarm market uses non-POTS technology to connect with their customers and the remaining majority has, at least, the telephone/cable duopoly upon whom to rely. As is clear from the Commission's decision in *Qwest Phoenix*, such a duopoly does not support forbearance.

⁵ *FSN/AICC Opposition* at pp. 5-8.

⁶ *Id.* at p. 9.

⁷ *Id.* at p. 10.

⁸ See Comments of COMPTTEL, WC Docket No. 14-192, filed December 5, 2014, at pp. 2-3; Comments of NASUCA, WC Docket No. 14-192, filed December 5, at pp. 4-5.

⁹ *Id.*, citing *In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. §160(c) in the Phoenix, Arizona Metropolitan Statistical Area*, Memorandum Opinion and Order, WC Docket No. 09-135, FCC 10-113 (rel. June 22, 2010).

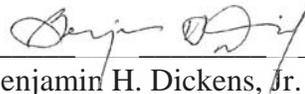
¹⁰ Petition at p. 78 and n. 243.

In sum, the US Telecom forbearance petition is before the Commission improperly. The same arguments already have been recently rejected by the Commission, and no data consistent with the Commission's traditional market analysis has been supplied. The alarm monitoring industry is particularly dependent upon the former Bell company narrowband service and facilities, and ONA regulations form an essential level playing field regime. This is especially so now that the former Bell company carrier affiliates have entered alarm markets. The Commission's processes, precedent, and acts (or their absence) all require that the forbearance petition be denied.

Respectfully submitted,

**THE ALARM INDUSTRY
COMMUNICATIONS COMMITTEE**

By



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