

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Ensuring Customer Premises Equipment Backup)	PS Docket No. 14-174
Power for Continuity of Communications)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing Retirement Of)	RM-11358
Copper Loops by Incumbent Local Exchange)	
Carriers)	
)	
Special Access for Price Cap Local Exchange)	WC Docket No. 05-25
Carriers)	
)	
AT&T Corporation Petition for Rulemaking to)	RM-10593
Reform Regulation of Incumbent Local Exchange)	
Carrier Rates for Interstate Special Access)	
Services)	

**REPLY COMMENTS OF
WORLDNET TELECOMMUNICATIONS, INC.**

WorldNet Telecommunications, Inc. (“WorldNet”) respectfully submits the following reply comments in response to the Commission’s notice of proposed rulemaking in these proceedings released on November 25, 2014 (“NPRM”).

COMMENTS

In its initial comments in this proceeding, WorldNet addressed a number of the NPRM proposals and questions. WorldNet’s initial comments were focused primarily, however, on its belief that, at a minimum, the Commission should (1) reconsider its decision to leave the copper retirement process notice-based (as opposed to requiring affirmative advance approval, which is what WorldNet strongly requests here) and (2) be more proactive, detailed, and express in

establishing the options available to competitors if and when copper is retired, including, without limitation, solidifying the availability of nondiscriminatory and/or unbundled access to DS0, DS1, and DS3 ILEC fiber loops, establishing an option for competitors to continue to provide DSL or equivalent services without extensive, ostensibly cost prohibitive, network reconfigurations, and reconsidering the Commission's tentative proposal to give an ILEC the discretion to deny selling and/or leasing "retired" copper to a requesting CLEC or to do so only on voluntarily negotiated terms.

In these reply comments, WorldNet would like to highlight that the positions advocated by WorldNet in its initial comments were echoed by a wide range of industry stakeholders in their initial comments. Indeed, competitors, state regulators, and industry advocates focused on preserving and advancing competition were nearly unanimous in asking the Commission to effectuate the same basic concepts and changes identified by WorldNet in revising the Commission's copper retirement rules.

Specifically, with regard to the process for addressing proposed ILEC copper retirements, many commenters, including numerous state commissions, agree that a mere notice-based copper retirement process provides an inadequate check against an ILEC's decision to discard network facilities that are the cornerstone of millions of dollars of competitive investment and that are still being used innovatively and effectively to provide demand-tailored broadband solutions, especially in Puerto Rico. Simply put, there will inevitably be situations in which the anti-competitive effects of a proposed copper retirement, by design or by mere circumstance, demonstrably outweigh purported countervailing considerations. Again, this is especially true in Puerto Rico, as WorldNet explained in its initial comments. After decades of reliance on copper facilities and where a competitor is shown to be using them for competitive services, if the FCC

is serious in prioritizing the preservation of competition, as it says it is, then, the burden ought to be on the incumbent to show retirement appropriately safeguards the interests of competition and is otherwise in the public interest, and not the other way around.

Similarly, in the initial round of comments, WorldNet was joined by many others, including most, if not all, state regulators, in asking the Commission to be more detailed and express in establishing CLEC rights to access and use ILEC fiber loop and subloop facilities on a nondiscriminatory and unbundled basis. As many have now told the Commission, ILECs have inappropriately called into question standing Commission rules requiring nondiscriminatory and/or unbundled access to voice grade (i.e., DS0), DS1, and DS3 fiber loops and subloops. The stakes involved in taking away a critical component of competitor networks are simply too great not to expressly and unequivocally confirm these basic requirements as part of the Commission's ultimate resolution with regard to its copper retirement rules. Moreover, a technology transition should not be used as an excuse to eliminate, either actually or effectively (through increases in competitor costs), the ability of competitors to provide DSL or equivalent services when, for example, copper feeder is retired and replaced by ILECs with fiber.

Finally, with regard to the option for competitors to purchase "retired" ILEC copper, WorldNet was encouraged by the manifest support by competitors and state regulators for both requiring that the option be made available and for active oversight, review, and approval of the process. Indeed, WorldNet notes that even AT&T agreed, at least in concept, with WorldNet on the appropriate price for the sale of such facilities – i.e., salvage value. As shown in the initial comments, WorldNet is demonstrably not alone in its experience or belief that a voluntary approach to copper transfer is an inherently doomed approach, rendering the sale/transfer of copper option virtually meaningless. And, again, this is especially true in Puerto Rico. As

previously shared with the Commission, WorldNet's experience in Puerto Rico is that, almost twenty years after the Act was passed, WorldNet has been forced to litigate compliance with even the most basic provisions of the Act and Commission rules. Against this backdrop, WorldNet can say, to put it mildly, that a transfer of ILEC copper to a requesting CLEC on reasonable, voluntarily negotiated terms falls well outside of the realm of a reasonable expectation. There absolutely needs to be more or, without exaggeration, the option for the sale/transfer of retired copper could effectively be no option at all – a conclusion that is inherently reflected in the policy determinations already made by Congress in the federal Telecommunications Act by requiring such oversight over the terms and conditions upon which ILECs would provide competitors access to network facilities.

CONCLUSION

As set forth in WorldNet's initial comments, although WorldNet is encouraged by the Commission's repeatedly stated commitment to the preservation and advancement of competition during technology transitions, WorldNet is nevertheless compelled to ask the Commission to reconsider and/or provide more clarity and certainty with regard to the Commission's proposed road map for the fate of the copper facilities that now fuel competition in Puerto Rico. The fact that so many others are requesting the same basic relief simply underscores the need for these changes in order to truly effectuate the Commission's stated goal.

Respectfully submitted,

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