

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

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In the Matter of)	
)	
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)	
_____)	

**COMMENTS OF
WORLDNET TELECOMMUNICATIONS, INC.**

WorldNet Telecommunications, Inc. (“WorldNet”) respectfully submits the following comments in response to the Commission’s further notice of proposed rulemaking in these proceedings released on August 7, 2015 (“FNPRM”).

COMMENTS

In the Report and Order that accompanied the FNPRM, the Commission determined to amend its current copper retirement rules to add a requirement that incumbent LECs must, in good faith, provide to interconnecting entities requested information that is necessary to accommodate incumbent LEC copper retirements with “no disruption of service” to the interconnecting entity’s end user customers. In FNPRM, the Commission inquired about adding further definition and enforcement options to this requirement. Although the FNPRM requests

information about a number of additional issues,¹ WorldNet has determined to focus its initial comments on the questions posed by the Commission regarding the good faith communication requirement in the copper retirement process.²

1. Specific Objective Criteria to Evaluate Compliance

The Commission's first inquiry in the FNPRM with regard to the good faith requirement is whether it should establish specific objective criteria to evaluate compliance. WorldNet believes that the Commission should establish a minimum, non-exhaustive list of objective criteria that includes, at a minimum, standards with regard to ILEC responsiveness to requests for information and the kinds of information that an ILEC must provide.

With regard to ILEC responsiveness, according to the Commission's new copper retirement rules, an interconnecting carrier is facing a ticking 180-day clock upon receiving an incumbent LEC's notice of copper retirement. The competitive protections that the Commission sought to advance by establishing this notice period could be undermined entirely without establishing an objective deadline for an incumbent LEC to provide information requested pursuant to the good faith requirement (and, as detailed below, consequences for failing to meet the deadline, including without limitation an extension of the date for retirement). Indeed, such a deadline should be fairly aggressive because, by definition, information subject to the good faith requirement is "necessary" for an interconnecting entity to effectively adapt to a copper retirement notice without any adverse impact on its end users. In WorldNet's view, to preserve the effectiveness and integrity of the 180-day notice period already established by the Commission (which, in WorldNet's view, is a tight timeframe to begin with, considering the

¹ WorldNet reserves the right to address any and all such issues in future communications to the Commission.

² See FNPRM at para. 241.

many and complex impacts a retirement could have on an interconnected transport and loop network), the Commission should establish that an incumbent LEC must provide all information requested by an interconnecting entity that is subject to the good faith requirement within at least five (5) calendar days of receiving the interconnecting entity's request.

With regard to the kinds of information that an incumbent LEC must provide in compliance with the good faith requirement, WorldNet believes that, at a minimum, the Commission should establish that good faith requirement requires an incumbent LEC to identify for a requesting interconnecting entity, on a line-by-line, circuit-by-circuit basis: (1) the impact of the incumbent LEC's proposed copper retirement on the interconnecting entity's service to end users; (2) the wholesale service alternatives, including the rates, terms, and conditions, that will be available to the interconnecting entity that will enable a seamless transition of end user service; and (3) a reasonable timetable and plan for effectuating changes to any network, ordering, or other service arrangements necessary for the continuity of service to the interconnecting entity's affected end users.

In the FNPRM, WorldNet acknowledges that the Commission declined to require at least some of this information in an incumbent LEC's initial notice of copper retirement to interconnected entities, ostensibly because there may be interconnected entities that are not impacted by a proposed copper retirement. To the extent, however, that an interconnected entity and its end users are directly impacted by a proposed copper retirement, the information that WorldNet now asks the Commission to proactively include in a list of information subject to the good faith requirement is inherently necessary for the interconnected entity to effectuate an orderly, coordinated, and seamless transition of end user services in accordance with the express goal of the good faith requirement. Put differently, competitors like WorldNet depend on the

current copper network, as WorldNet has fully established in prior filings to this Commission. Failing to provide substantial and meaningful notice and information to competitive carriers directly impacted by a requirement would mean knocking the props out from under competition, something the Commission has pledged not to do.

2. Recourse to Address Non-Compliance

The Commission's remaining inquiries in the FNPRM with regard to the good faith requirement go to whether the Commission should establish specific recourse for an interconnecting entity that asserts that an incumbent LEC is not complying with the good faith requirement. WorldNet believes that the Commission should establish such specific recourse. Specifically, at a minimum, WorldNet believes that the Commission should make specific provision for expedited Commission and/or state commission review of complaints filed by interconnecting entities with the attendant authority by the Commission and/or state commission (1) to order the production by incumbent LECs to interconnecting entities of requested information and (2) to stay and/or extend the effective date of proposed incumbent LEC copper retirements to accommodate the time required to review such complaints any delays created by demonstrated incumbent LEC failures to comply with the good faith requirement.

CONCLUSION

The good faith requirement is an important piece of the copper retirement process established by the Commission in its new rules. It must be made to mean something, and, to this end, WorldNet encourages the Commission to adopt the proposals provided by WorldNet herein for the fair and proper implementation and enforcement of this new requirement.

Respectfully submitted,

/s/ David Bogaty

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