RECEIVED

OCT 15 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

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

REPLY COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION OF SBC COMMUNICATIONS INC., SOUTHWESTERN BELL TELEPHONE COMPANY, PACIFIC BELL, AND NEVADA BELL

SBC Communications Inc., Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell (collectively, "SBC") file these reply comments in support of their Petition for Reconsideration of the Commission's recent Advanced Services Order.[1]

None of the comments filed in opposition to that Petition respond to SBC's central arguments. First, no commenter successfully explains away the dispositive fact that the Commission itself has specifically acknowledged that a loop conditioning requirement is a type of superior quality rule -- precisely the kind of rule that the Eighth Circuit has held the Commission may not impose. Accordingly, the Commission should promptly rescind the loop conditioning portion of its Advanced Services Order to avoid violating the court of appeals' clear mandate.

[1]Memorandum Opinion and Order, and Notice of Proposed Rulemaking, Deployment of Wireline Services Offering Advanced Telecommunications Capability, FCC 98-188, CC Dkt Nos. 98-147, 98-11, 98-26, 98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15 RM 9244 (rel. Aug. 7, 1998).

The comments filed in opposition to SBC's Petition are no more successful in addressing the plain language of section 706 granting the Commission authority to forbear from regulating to promote development of advanced services. Indeed, instead of discussing section 706, most commenters focus on section 10 of the 1996 Act and the limitations contained in that other provision. But those limitations, which by their terms restrict only the Commission's general forbearance authority under that provision, do not limit the separate power that section 706 gives the Commission to forbear from regulating in the specific area of advanced services.

I. THE ADVANCED SERVICES ORDER'S LOOP CONDITIONING REQUIREMENT VIOLATES THE EIGHTH CIRCUIT'S MANDATE AND SHOULD BE RECONSIDERED

a. SBC's Petition for Reconsideration in this matter demonstrated beyond serious dispute that the Commission's recent Advanced Services Order is unlawful to the extent it requires incumbent LECs to "condition" loops at the request of new entrants. See SBC Pet. at 2-5.

Two points are decisive here. First, the Commission itself has frankly acknowledged that a loop conditioning requirement is a form of superior quality rule. In fact, the Local Competition Order explicitly singled out an incumbent LEC's obligation to "provide local loops conditioned to enable the provision of digital services (where technically feasible) even if the incumbent does not itself provide such digital services" as a paradigmatic "example" of a superior quality requirement. Local Competition Order, 11 FCC Rcd 15499, 15659 n.680 (1996) (emphasis added).

Second, and equally plainly, the Eighth Circuit has squarely held that the Commission has no authority to impose such superior quality rules. See Iowa Utilities Board v. FCC, 120 F.3d

753, 813 (8th Cir. 1997), cert. granted on other grounds, 118 S. Ct. 879 (1998). As the court of appeals explained, section 251(c)(3) requires incumbents to provide access only to their "existing networks." Id.

In sum, under the Commission's own statements, a loop conditioning requirement violates the Eighth Circuit's mandate. That requirement, accordingly, cannot stand. "After a court has spoken, the FCC is bound to follow that court's mandate, because the FCC is not a court nor is it equal to [a] court in matters of statutory interpretation." Iowa Utilities Bd. v. FCC, 135 F.3d 535, 540 (8th Cir.) (internal quotation omitted), petition for cert. filed, 66 U.S.L.W. 3623 (1998).

b. None of the comments provide any plausible basis to reach a different result. Perhaps most tellingly, AT&T, MCI Worldcom, and the vast majority of other commenters completely ignore the dispositive language in the Commission's Local Competition Order explaining that loop conditioning is an "example" of a superior quality requirement. Their collective silence on this point is understandable, because there simply is no way to square the Commission's statement with their position that incumbent LECs may lawfully be required to condition loops at the request of new entrants. The language in the Local Competition Order is both direct and unequivocal, and it fatally undermines these commenters' arguments.[2]

---

[2] Given the clarity of the Commission's language and the equally unequivocal Eighth Circuit holding that the Commission may not impose superior quality requirements, it is, to say the least, odd that some commenters suggest that SBC has not preserved its objection on the loop conditioning issue. See, e.g., ALTS Comments at 3. In fact, SBC raised its objection to all forms of superior quality obligations explicitly in its Eighth Circuit appeal and was successful both in having those obligations declared unlawful and in having the relevant regulation vacated. Indeed, as Sprint grudgingly admits (Sprint Comments at 3 & n.1), SBC's brief specifically pointed to the paragraph in the Local Competition Order that created the loop conditioning requirement as an example of an impermissible superior quality rule. See Brief for Regional Bell

The few commenters who do address the decisive portion of the Local Competition Order have nothing of relevance to say here. For instance, Sprint claims that the Commission simply "miss[ed] the point" in the relevant part of the Local Competition Order because that Order spoke of requiring incumbents to "'provide local loops conditioned to enable the provision of digital services . . . even if the incumbent does not itself provide such digital service.'" Sprint Comments at 3-4 (quoting Local Competition Order n.680) (emphasis supplied by Sprint). Stressing the underscored language, Sprint argues that the Commission erred in its prior analysis because the relevant question in the superior quality context is not the services that the incumbent provides, but the facilities it owns. Id. But that is a distinction without a difference. An incumbent cannot provide digital services without a facility that supports such services, and the question here is precisely whether requesting carriers can mandate that incumbents do the work necessary to transform its facilities so that they can in fact support those services, rather than take the facilities as they already exist.

c. Commenters are no more successful in suggesting that the conditioning requirement is consistent with the Eighth Circuit's decision because it is actually not a superior quality rule at all, but rather the kind of "modification" requirement that the court of appeals found permissible. See, e.g., Level 3 Comments at 6; Transwire Comments at 6. As an initial matter, for the reasons we have discussed, that argument is flatly inconsistent with the Commission's own understanding that loop conditioning is a superior quality requirement. The Commission has

---

Companies and GTE, Iowa Utils. Bd. v. FCC, at 15 (8th Cir. filed Nov. 18, 1996). SBC thus seeks to vindicate rights that it has already obtained, not to raise a new challenge to the Local Competition Order.

already addressed this precise issue, and it (correctly) reached a conclusion diametrically opposed to the one advanced in these comments.

Moreover, and in any event, the Eighth Circuit -- quoting the technical feasibility discussion in the Commission's Local Competition Order -- merely found that it was permissible to mandate "modifications" where that was "'necessary to accommodate interconnection or access to network elements.'" 120 F.3d at 813 n.33 (quoting Local Competition Order ¶ 198) (emphasis added). As both the plain text of that statement and its genesis in the Commission's explanation of the 1996 Act's technical feasibility requirement indicate, the court of appeals was concerned with situations where it might not be technically possible to interconnect or obtain access to network elements at a particular point without some modification to the incumbent's network. There can be no real dispute, however, that access to a particular local loop is technically feasible, whether or not that loop is conditioned. Conditioning is necessary to improve the network so that it can support particular services that the incumbent currently cannot provide using the facilities at issue, not to allow interconnection or access in the first place.

Nor, contrary to AT&T's suggestion (AT&T Comments at 3), did the Local Competition Order ever suggest that loop conditioning fit within the narrow subcategory of modifications that the Eighth Circuit subsequently found permissible. Rather, the Commission simply stated that "some modification of incumbent LEC facilities, such as loop conditioning, is encompassed within the duty imposed by section 251(c)(3)." Local Competition Order ¶ 382. There is no controversy here as to whether a loop conditioning requirement is a kind of network "modification." But, as the Commission explicitly recognized elsewhere in its Order, it is the type of modification that requires incumbents to improve their networks so that new entrants may

provide services that the incumbent cannot currently provide -- or, simply put, to provide superior quality access to entrants. That, of course, is exactly what the Eighth Circuit has held that the Commission may not mandate.

d. The remaining arguments raised in the comments are no more persuasive. Many commenters err by suggesting that a conditioning requirement is not a superior quality rule because it requires the removal of certain features, not the addition of whole new facilities, and because, in any event, the effort involved is not sufficiently onerous to qualify as a superior quality requirement. See, e.g., CompTel Comments at 5; AT&T Comments at 2. But, as the Eighth Circuit explained, an incumbent's obligation is to provide access to its "existing network." A loop conditioning requirement contravenes that aspect of the court's mandate because it requires incumbents to create a new network configuration in order to support services that the incumbent cannot currently provide over the relevant facilities. It does not matter whether that new network is created by removing parts of the incumbents' facilities instead of adding new facilities. Both those activities require work to alter the incumbent's network from its existing form, and both are impermissible under the Eighth Circuit's decision.

Nor does anything in the Eighth Circuit's decision suggest that an incumbent may be required to provide superior quality so long as that requirement does not pass a certain threshold of burdensomeness. In any event, as demonstrated in the attached affidavit of Mr. William C. Deere, a conditioning requirement does often impose substantial burdens on incumbents like

SBC, particularly where no loops have previously been conditioned in a particular wire center. See Deere Affidavit ¶¶ 4-18.[3]

Similarly, that an incumbent may have conditioned some loops for its own purposes does not imply, as a legal matter, that the incumbent incurs an obligation to condition other loops for its competitors. Indeed, even if the Commission concluded that it could avoid the Eighth Circuit's ruling based on a "nondiscrimination" theory (see, e.g., CIX Comments at 3), it could not plausibly apply such a theory to any wire centers other than ones where an incumbent LEC conditions loops for its own provision of digital services -- particularly because, as demonstrated in the Deere Affidavit, it is especially burdensome to condition loops where none have previously been conditioned in a particular wire center. Under no circumstances would the Commission be remotely justified in extending such an obligation beyond the bounds of a State within which the incumbent conditions loops for its use.

Moreover, such arguments plainly provide no basis for any requirement that SBC condition loops in a way that it does not do for itself. Thus, the Commission should repudiate suggestions in paragraph 54 of the Advanced Services Order that incumbents' obligations to provide "fully functional conditioned loops" extends to loops with digital loop carriers or conceivably to any loop alterations that are "technically feasible" (including, possibly, the deployment of new copper) but that the incumbent does not currently undertake for its own purposes. See also Advanced Services NPRM ¶¶ 152-53 (suggesting that the only limitation on

---

[3] Sprint suggests (Sprint Comments at 4) that SBC previously offered to provide conditioned loops for entrants. That offer, however, was made in the context of SBC's petition for forbearance relief under section 706 and was contingent on obtaining that forbearance. It thus has no relevance here.

incumbents' obligation to provide conditioned loops is technical feasibility); id. ¶ 167 (discussing obligation to unbundle high-speed data-compatible loops even if a digital loop carrier is in place on the loop); id. ¶ 170 (seeking proposals on how to make loop provisioned using fiber able to provide advanced services that need copper).

II. THE ADVANCED SERVICES ORDER MISAPPREHENDS THE SCOPE OF THE COMMISSION'S SECTION 706 FORBEARANCE AUTHORITY

The Advanced Services Order concludes that section 706 contains no independent grant of forbearance authority, but merely authorizes the Commission to use forbearance authority granted in other sections of the Act. Advanced Services Order ¶ 69. As SBC demonstrated in its Petition, that conclusion reflects a fundamental misunderstanding of the 1996 Act and, in particular, of the interplay between sections 10 and 706. The Commission mistakenly interpreted subsection 10(d), which by its express terms merely limits the agency's forbearance authority under section 10(a), as a limitation on its separate authority under section 706.

Almost without exception, commenters defend this countertextual approach by suggesting that it is necessary to preserve the limitations contained in section 10. As one party puts the point, any other result would "eviscerate" those section 10(d) restrictions. RCN Telecom Comments at 6. That is plainly incorrect, however. Section 706 authorizes the Commission to forbear only in the discrete context of advanced services regulation. It would no way eviscerate the limitations on the Commission's general forbearance authority to conclude -- as the plain language of section 706 requires -- that the Commission has separate and independent authority to forbear from applying regulation in this one particular context. These comments thus miss the mark and provide no basis to ignore the mandate of section 706.

CONCLUSION

The Commission should (1) reconsider and vacate its order insofar as it imposes loop-conditioning obligations on incumbent LECs, and (2) reconsider its order insofar as it denies the petitions of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for relief from regulation pursuant to section 706.

Respectfully submitted,

Darryl W. Howard/SAL

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

Mark L. Evans
Sean A. Lev
Rebecca A. Beynon
KELLOGG, HUBER, HANSEN,
TODD & EVANS
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20005

Counsel for SBC Communications Inc.,
Southwestern Bell Telephone Company,
Pacific Bell, and Nevada Bell

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

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

AFFIDAVIT OF WILLIAM C. DEERE

STATE OF TEXAS §
§
COUNTY OF DALLAS §

I, WILLIAM C. DEERE, being of lawful age and duly sworn upon my oath, do hereby depose and state:

1. My name is William C. Deere. My business address is Room 2312, One Bell Plaza, Dallas, Texas 75202. I am the Executive Director-Planning and Engineering for Southwestern Bell Telephone Company ("SWBT"), a subsidiary of SBC Communications Inc. ("SBC"). In this position I participate in the development, planning, and engineering of SWBT's, Pacific Bell's and Nevada Bell's telephone networks within the combined seven-state service area and act as the regulatory and legislative technical liaison in those states. In this position I have testified before the several state regulatory commissions concerning the technical issues contained in this affidavit.

2. I have a Bachelor of Science - Electrical Engineering degree from Southern Methodist University in Dallas, Texas. I am a Licensed Professional Engineer in Texas. I have also completed training conducted by the Bell System, AT&T (Lucent), Northern Telcom (Nortel), Ericsson, Bellcore and Southwestern Bell Telephone Company on switching systems, transmission systems, and local network distribution systems.

3. Southwestern Bell employed me in 1961 as a Student Engineer. I worked in the central office and the PBX engineering groups of the Engineering Department until October 1969. At that time I was transferred to the Traffic Department where I worked as the Manager-Switching Design and then the Traffic Manager-Network Design where I supervised the PBX design group for the north part of Texas until October 1978. I worked in St. Louis for 18 months as the head of the Business Services staff and then returned to Dallas as the Division Manager-Network Administration. In October 1984, I assumed the duties of Division Staff Manager-Network Planning Staff. My title was changed to Division Manager-Network Engineering (Customer Services) on October 1, 1986, as a result of a reorganization of the SWBT Network Department. I assumed my present title and responsibilities for the five states served by Southwestern Bell Telephone Company in October 1993. When SBC and Pacific Telesis merged in 1997, I assumed duties in Pacific Bell and Nevada Bell.

4. As I explain in more detail below, conditioning loops so that they can provide digital services like Asymmetrical Digital Subscriber Line ("ADSL") can be, and often is, a

substantial undertaking that requires a significant amount of labor and heavy manual intervention, particularly in those instances where loops have not previously been conditioned in a particular central office.

5. In order to provide unbundled local loops capable of providing ADSL services without interference with, or from, other services, SWBT, Pacific Bell, or Nevada Bell (each an "SBC LEC") must use spectrum management procedures in assigning the cable pairs. In addition, the SBC LEC must make a review of the physical parameters of the selected cable pairs to determine if they will support ADSL services. At the present time, these are both manual processes.

6. Spectrum management is necessary in order to prevent analog and/or digital signals and services from interfering with each other in exchange facilities, and thereby, causing harm to the network and to existing customers and services.

7. Signal interference can occur in exchange facilities composed of copper cable or other types of facilities such as electronic transport systems. Administratively controlling the assignment location and/or type of transmission equipment used to transport the wide variety of analog and digital signals is especially important as different transport technologies, many with overlapping frequency spectrums, are introduced into the exchange facility environment.

8. Without spectrum management, signal interference between different transport technologies can occur, causing harm to the network and disruption to existing customers and their services.

9. Twisted pairs used for digital subscriber loop services typically are housed within binder groups with other pairs for at least part of their run length. Within a binder group, electromagnetic coupling, termed "crosstalk," will result in the signal from one pair generating noise onto other pairs. This crosstalk interference can often be a limiting factor in service performance. In order to ensure proper service performance, the spectral usage of services must be carefully managed.

10. The SBC LECs employ Binder Group Management to assign loops to be used for ADSL in dedicated binder groups that are separated from other services that may be affected by ADSL services. Within a copper cable, there are a number of binder groups arranged in concentric circles around the cable's central core. When a Competitive Local Exchange Carrier ("CLEC") requests an unbundled local loop capable of supporting ADSL services, the SBC LEC must first determine the specific cable serving the customer location. The SBC LEC must manually identify the location of all digital services served in that cable and then identify a binder group that is free of other types of digital services that would interfere with or be affected by the requested ADSL circuit.

11. Once a binder group is identified as being free of other types of digital circuits, the physical characteristics of that cable must be identified to determine if it is physically capable of being used to provide ADSL services. This requires a manual review of the cable records to determine the length of the cable, the gauge of the cable, and the presence of any bridge tap or load coils.

12. Once a binder group is identified and qualified as physically capable of supporting ADSL services, it is designated as being for ADSL and other types of digital services are not assigned in that binder group or adjacent binder groups.

13. In locations where the SBC LEC offers ADSL services, company technicians have, or are in the process of identifying binder groups to be used for ADSL services. This is very labor-intensive manual work. In locations where the SBC LEC does not offer ADSL services, this work will have to be done on a request basis for each requested service location. In addition to the other burdens that such a rule would impose on the SBC LECs, this may require the addition of employees to process the requests.

14. If a binder group exists that is capable of supporting ADSL and other digital services, the available loop that will actually be used to provision such service may require "conditioning." With the exception of Integrated Digital Services Network ("ISDN"), the services grouped under the rubric "xDSL" all require a copper loop and thus cannot be provisioned over a digital loop carrier (whether integrated or universal).

15. There are essentially three removable "conditions" that might exist on a copper loop that may prevent or restrict (e.g., lower the achievable speed) its use for digital services like ADSL: (i) load coils; (ii) bridged taps; and (iii) repeaters. Other attributes of a loop which may prevent or restrict its use are inherent and cannot be removed, e.g., loop length and gauge of the wire.

16. The process of removing those conditions, referred to as "conditioning," involves a manual inspection of the cable design records to identify the impediments to be removed. An engineer must prepare a job description of the work to be done. This work will require from two to eight hours. Next, one or more technicians must be dispatched to the site of each impediment to be removed. The number of impediments can run from one to four or more. All of these are located along the length of the cable in exposed areas. The actual work to be done will normally require that an old cable splice be opened and the load coil or repeater removed, or the bridge tap be separated from the main cable. The splice must then be closed and the cable tested to determine its new operating characteristics. These actions will be required at the location of each transmission impediment. The amount of time required to write the job order will be based upon the number of transmission impediments to be removed, and typically each location in a metropolitan area will require two technicians for four to eight hours.. The actual work time could range from one to several days. Likewise, the time require by the technicians to remove the impediments will be determined by the location and type of cable being worked on. The cable may be buried, aerial or in an underground manhole. The work time, after the cable is accessed, would normally be less than one day per location.

17. If the customer loop is currently served using a digital loop carrier system, a copper pair must be assigned if available and the new loop assigned for the ADSL service if possible.

18. The removable conditions listed above are placed onto loops for various network reasons to support traditional voice traffic. The conditioning needed to provide high-speed digital services is in reality the removal of the conditioning that was placed when the loop was designed to serve voice customers. Without the desire to provide digital services such as ADSL, new loop conditioning would not be performed.

This Space Left Blank Intentionally

Executive Director–Planning and Engineering

STATE OF TEXAS)
) ss
COUNTY OF DALLAS)

Subscribed and sworn to before me, the undersigned authority, on this 14th day of October, 1998.

HATTIE C. WYATT
NOTARY PUBLIC
State of Texas
Comm. Exp. 09-17-2000

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 1998, I caused a copy of the Reply Comments in Support of the Petition for Reconsideration of SBC Communications Inc., Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell, to be served on the individuals on the attached service list by first-class mail.

Darryl W. Howard/SAL

Darryl W. Howard

ITS INC
1231 20TH STREET
GROUND FLOOR
WASHINGTON, DC 20036

JAMES R YOUNG
EDWARD D YOUNG III
MICHAEL E GLOVER
BELL ATLANTIC
1320 NORTH COURT HOUSE ROAD
8TH FLOOR
ARLINGTON VA 22201

RICHARD TARANTO
FARR & TARANTO
BELL ATLANTIC
1850 M STREET NW
SUITE 1000
WASHINGTON DC 20036

JOHN T LENAHAN
CHRISTOPHER HEIMANN
FRANK MICHAEL PANEK
GARY PHILLIPS
AMERITECH
2000 WEST AMERITECH CENTER DR
ROOM 4H84
HOFFMAN ESTATES IL 60196-1025

ROBERT B MCKENNA
JEFFRY A BRUEGGEMAN
U S WEST INC
1020 19TH ST NW - STE 700
WASHINGTON DC 20036

JANICE M MYLES
COMMON CARRIER BUREAU
FEDERAL COMMUNICATIONS COMMISSION
1919 M ST NW ROOM 544
WASHINGTON DC 20554

PIPER & MARBURY LLP
RONALD L PLESSER
MARK J O'CONNOR
COUNSEL FOR COMMERCIAL INTERNET
EXCHANGE ASSOCIATION
SEVENTH FLOOR
1200 NINETEENTH ST NW
WASHINGTON DC 20036

CHARLES C HUNTER
HUNTER COMMUNICATIONS LAW GROUP
COUNSEL FOR TELECOMMUNICATIONS
RESELLERS ASSOCIATION
1620 I STREET NW STE 701
WASHINGTON DC 20006

BARTLETT L THOMAS
JAMES J VALENTINO
MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO
COUNSEL FOR XCOM TECHNOLOGIES INC
701 PENNSYLVANIA AVE NW STE 900
WASHINGTON DC 20004-2608

JONATHAN E CANIS
ERIN M REILLY
KELLEY DRYE & WARREN LLP
COUNSEL FOR INTERMEDIA
COMMUNICATIONS INC & EXCEL
TELECOMMUNICATIONS INC
1200 19TH ST NW STE 500
WASHINGTON DC 20544

CHRISTOPHER W SAVAGE
JAMES F IRELAND
COLE RAYWID & BRAVERMAN LLP
COUNSEL FOR APK NET LTD CYBER WARRIOR
HELICON ONLINE INFORAMP INTERNET
CONNECT COMPANY MTP LLC DBA JAVANET
& PROAXIS COMMUNICATIONS
1919 PENNSYLVANIA AVE NW STE 200
WASHINGTON DC 20006

KECIA BONEY
DALE DIXON
LISA SMITH
MCI TELECOMMUNICATIONS CORPORATION
1801 PENNSYLVANIA AVE NW
WASHINGTON DC 20006

JENNER & BLOCK
ANTHONY C EPSTEIN
COUNSEL FOR MCI TELECOMM CORP
601 THIRTEENTH STREET NW
WASHINGTON DC 20005

MCI COMMUNICATIONS
KEVIN SIEVERT
GLEN GROCHOWSKI
LOCAL NETWORK TECHNOLOGY
400 INTERNATIONAL PARKWAY
RICHARDSON TX 75081

JONATHAN JACOB NADLER
SQUIRE SANDERS & DEMSEY
COUNSEL FOR INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA
1201 PENNSYLVANIA AVE NW
BOX 407
WASHINGTON DC 20044

LEON M KESTENBAUM
JAY C KEITHLEY
SPRINT CORPORATION
1850 M STREET NW - 11TH FLOOR
WASHINGTON DC 20036

HENRY GELLER
ALLIANCE FOR PUBLIC TECHNOLOGY
901 15TH ST NW STE 230
WASHINGTON DC 20005

UNITED HOMEOWNERS ASSOCIATION
1511 K STREET NW
WASHINGTON DC 20005

NATIONAL ASSOCIATION OF COMMISSIONS
FOR WOMEN
1828 L STREET NW STE 250
WASHINGTON DC 20036

NATIONAL HISPANIC COUNCIL ON AGING
2713 ONTARIO ST NW
WASHINGTON DC 20009

NATIONAL ASSOCIATION OF
DEVELOPMENT ORGANIZATIONS
444 NORTH CAPITOL ST NW STE 630
WASHINGTON DC 20001

WORLD INSTITUTE ON DISABILITY
510 16TH ST STE 100
OAKLAND CA 94612

PETER ROHRBACH
LINDA L OLIVER
DAVID L SIERADZKI
HOGAN & HARTSON LLP
COUNSEL FOR LCI INTERNATIONAL TELECOM
CORP
COLUMBIA SQUARE
555 THIRTEENTH ST NW
WASHINGTON DC 20004

ANNE K BINGAMAN
DOUGLAS W KINKOPH
BOB MATHEW
LCI INTERNATIONAL CORP
8180 GREENSBORO DRIVE SUITE 800
MCLEAN VA 22102

UNITED STATES TELEPHONE ASSOCIATION
LINDA KENT
KEITH TOWNSEND
1401 H STREET NW STE 600
WASHINGTON DC 20005

TERRENCE K FERGUSON
SR VP AND GENERAL COUNSEL
LEVEL 3 COMMUNICATIONS INC
3555 FARNAM STREET
OMAHA NE 68131

GAIL L POLIVY
GTE SERVICE CORPORATION
1850 M STREET NW
SUITE 1200
WASHINGTON DC 20036

RUSSELL M BLAU
RICHARD M RINDLER
SWIDLER & BERLIN CHTD
COUNSEL FOR FOCAL COMMUNICATIONS CORI
HYPERION TELECOMMUNICATIONS INC
KMC TELECOM INC AND MCLEODUSA INC
3000 K ST NW STE 300
WASHINGTON DC 20007

COLLEEN BOOTHBY
LEVIN BLASZAK BLOCK AND
BOOTBHY LLP
COUNSEL FOR THE INTERNET ACCESS
COALITION
2001 L STREET NW STE 900
WASHINGTON DC 20036

DAVID N PORTER
WORLDCOM INC
1120 CONNECTICUT AVE NW
STE 400
WASHINGTON DC 20036

RANDALL B LOWE
J TODD METCALF
PIPER & MARBURY LLP
COUNSEL FOR
TRANSWIRE COMMUNICATIONS LLC
1200 NINETEENTH ST NW
WASHINGTON DC 20036

THOMAS M KOUTSKY
ASSISTANT GENERAL COUNSEL
COVAD COMMUNICATIONS COMPANY
6849 OLD DOMINION DRIVE STE 220
MCLEAN VA 22102

GENEVIEVE MORELLI
EXECUTIVE VP AND GENERAL COUNSEL
THE COMPETITIVE TELECOMMUNICATIONS
ASSOCIATION
1900 M STREET NW STE 800
WASHINGTON DC 20036

MARK C ROSENBLUM
AVA B KLEINMAN
AT&T CORP
295 NORTH MAPLE AVENUE
ROOM 3252J1
BASKING RIDGE NJ 07920

RICHARD D MARKS ESQ
VINSON & ELKINS LLP
COUNSEL FOR COMPUTER &
COMMUNICATIONS INDUSTRY
ASSOCIATION
1455 PENNSYLVANIA AVE NW
SUITE 700
WASHINGTON DC 20004-1008

M ROBERT SUTHERLAND
BELLSOUTH CORPORATION
1155 PEACHTREE ST NE - STE 1700
ATLANTA GA 30309-3610

J MANNING LEE
VICE PRESIDENT REGULATORY AFFAIRS
TELEPORT COMMUNICATIONS GROUP INC
TWO TELEPORT DRIVE
STATEN ISLAND NY 10311

GEORGE VRADENBURG III
AMERICA ONLINE INC
1101 CONNECTICUT AVE NW
STE 400
WASHINGTON DC 20036

CHERYL L PARRINO
CHAIRMAN
PUBLIC SERVICE COMMISSION OF WISCONSIN
P O BOX 7854
MADISON WI 53707-7854

G RICHARD KLEIN
COMMISSIONER
INDIANA UTILITY REGULATORY COMMISSION
302 W WASHINGTON STE E-306
INDIANAPOLIS IN 46204

JEFFREY A CAMPBELL
STACEY STERN ALBERT
COMPAQ COMPUTER CORPORATION
1300 I STREET NW
WASHINGTON DC 20005

MARK J TAUBER
TERESA S WERNER
PIPER & MARBURY LLP
COUNSEL FOR OMNIPOINT COMMUNICATIONS INC
1200 19TH ST NW SEVENTH FLOOR
WASHINGTON DC 20036

RILEY M MURPHY
AMERICAN COMMUNICATIONS SERVICES INC
131 NATIONAL BUSINESS PARKWAY
STE 100
ANNAPOLIS JUNCTION MD 20701

STEVEN GOROSH
VICE PRESIDENT & GENERAL COUNSEL
NORTHPOINT COMMUNICATIONS INC
222 SUTTER STREET
SAN FRANCISCO CA 94108

JEFFREY BLUMENFELD
CHRISTY KUNIN
BLUMENFELD & COHEN
COUNSEL FOR RHYTHMS NETCONNECTIONS INC
1615 M STREET NW STE 700
WASHINGTON DC 20036

CEDAR CITY/IRON COUNTY ECONOMIC DEV
110 N MAIN STREET
P O BOX 249
CEDAR CITY UTAH 84720

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO
HOWARD J SYMONS
MICHELLE M MUNDT
COUNSEL FOR NEXTLINK COMMUNICATIONS INC
701 PENNSYLVANIA AVENUE NW
SUITE 900
WASHINGTON DC 20004

NEXTLINK COMMUNICATIONS INC
R GERARD SALEMME
SENIOR VICE PRESIDENT EXTERNAL AFFAIRS AND INDUSTRY RELATIONS
DANIEL GONZALEZ
DIRECTOR REGULATORY AFFAIRS
1730 RHODE ISLAND AVE NW
SUITE 1000
WASHINGTON DC 20036

GORDON M AMBACH
EXECUTIVE DIRECTOR
COUNCIL OF CHIEF STATE SCHOOL OFFICERS
ONE MASSACHUSETTS AVE NW
SUITE 700
WASHINGTON DC

HALPRIN TEMPLE GOODMAN & SUGRUE
THOMAS J SUGRUE
COUNSEL FOR NYSERNET
1100 NEW YORK AVENUE NW
SUITE 650 EAST
WASHINGTON DC 20005

NYSERNET INC
DR DAVID LYTEL
125 ELWOOD DAVIS ROAD
SYRACUSE NY 13212

BLUMENFELD & COHEN
JEFFREY BLUMENFELD
CHRISTY C KUNIN
MICHAEL D SPECHT
ACCESS TELECOMMUNICATIONS ALLIANCE
1615 M STREET NW SUITE 700
WASHINGTON DC 20036

STEVEN GOROSH
VICE PRESIDENT & GENERAL COUNSEL
NORTHPOINT COMMUNICATIONS INC
222 SUTTER STREET
SAN FRANCISCO CA 94108

COLE RAYWID & BRAVERMAN LLP
CHRISTOPHER W SAVAGE
JAMES F IRELAND
KARLYN D STANLEY
1919 PENNSYLVANIA AVENUE NW
SUITE 200
WASHINGTON DC 20006

JOSEPH W WAZ JR
VICE PRESIDENT EXTERNAL AFFAIRS &
PUBLIC POLICY COUNSEL
COMCAST CORPORATION
1500 MARKET STREET
PHILADELPHIA PA 19102

JAMES R COLTHARP
SENIOR DIRECTOR PUBLIC POLICY
COMCAST CORPORATION
1317 F STREET NW
WASHINGTON DC 20004

CHARLES D GRAY
GENERAL COUNSEL
NARUC
1100 PENNSYLVANIA AVE STE 608
P O BOX 684
WASHINGTON DC 20044

ALBERT H KRAMER
MICHAEL CAROWITZ
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
COUNSEL FOR ICG TELECOM GROUP INC
2101 L STREET NW
WASHINGTON DC 20037-1526

D ROBERT WEBSTER
BAMBERGER & FEIBLEMAN
COUNSEL FOR THE NATIONAL BLACK
CHAMBER OF COMMERCE
54 MONUMENT CIRCLE STE 600
INDIANAPOLIS IN 46204

FRED R DAY
EXECUTIVE DIRECTOR
ST GEORGE AREA CHAMBER OF COMMERCE
97 EAST ST GEORGE BLVD
ST GEORGE UTAH 84770

JOEL BERNSTEIN
HALPRIN TEMPLE GOODMAN &
SUGRUE
COUNSEL FOR NEXT LEVEL COMMUNICATIONS
1100 NEW YORK AVE NW
SUITE 650 EAST
WASHINGTON DC 20005

C BENNETT LEWIS
EXECUTIVE DIRECTOR
AURORA CHAMBER OF COMMERCE
3131 SOUTH VAUGNWAY STE 426
AURORA CO 80014

CHRISTOPHER J WHITE
DEPUTY ASSISTANT RATEPAYER ADVOCATE
THE STATE OF NEW JERSEY
DIVISION OF THE RATEPAYER ADVOCATE
31 CLINTON STREET 11 FLOOR
NEWARK NJ 07101

JEFFREY BLUMENFELD
CHRISTY KUNIN
BLUMENFELD & COHEN
1615 M STREET NW STE 700
WASHINGTON DC 20036

JOHN HANES
CHAIRMAN
HOUSE CORPORATION
WYOMING STATE LEGISLATURE
213 STATE CAPITOL
CHEYENNE WY 82008

THOMAS GANN
MANAGER FEDERAL AFFAIRS
SUN MICROSYSTEMS INC
1300 I STREET NW STE 420 EAST
WASHINGTON DC 20005

CHERIE R KISER
MICHAEL B BRESSMAN
MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO PC
701 PENNSYLVANIA AVE NW
STE 900
WASHINGTON DC 20004

ROBERT D BOYSEH
PRESIDENT
LARAMIE ECONOMIC DEVELOPMENT CORP
1482 COMMERCE DRIVE STE A
LARAMIE WY 82070

JACK CREWS
CHEYENNE LEADS
1720 CAREY AVENUE STE 401
P O BOX 1045
CHEYENNE WY 82003-1045

KAREN PELTZ STRAUSS
LEGAL COUNSEL FOR TELECOMMUNICATIONS
POLICY
NATIONAL ASSOCIATION FOR THE DEAF
814 THAYER AVE
SILVER SPRING MD 20910-4500

RODNEY L JOYCE
J THOMAS NOLAN
SHOOK HARDY & BACON
COUNSEL FOR NETWORK ACCESS SOLUTIONS INC
801 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004-2615

NATIONAL ASSOCIATION OF DEVELOPMENT ORGANIZATIONS
444 NORTH CAPITOL STREET NW STE 630
WASHINGTON DC 20001

JEFFREY BLUMENFELD
CHRISTY KUNIN
COUNSEL FOR DSL ACCESS TELECOMMUNICATIONS ALLIANCE
1615 M STREET NW STE 700
WASHINGTON DC 20036

SCOTT TRUMAN
EXECUTIVE DIRECTOR
UTAH RURAL DEVELOPMENT COUNCIL
ADMINISTRATION BUILDING 304
SOUTHERN UTAH UNIVERSITY
CEDAR CITY UT 84720

RONALD L PLESSER
PIPER & MARBURY LLP
COUNSEL FOR PSINET
1200 NINETEENTH ST NW
WASHINGTON DC 20036

THOMAS J DUNLEAVY
NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA
ALBANY NY 12223-1350

A DANIEL SCHEINMAN
LAURA K IPSEN
CISCO SYSTEMS INC
170 WEST TASMAN DRIVE
SAN JOSE CA 95134-1706

GERALD STEVENS-KITTNER
CAI WIRELESS SYSTEMS INC
2101 WILSON BOULEVARD STE 100
ARLINGTON VA 22201

JOHN WINDHAUSEN JR
GENERAL COUNSEL
COMPETITION POLICY INSTITUTE
1156 15TH ST NW STE 310
WASHINGTON DC 20005

WILLIAM J ROONEY JR
GLOBAL NAPS INC
TEN WINTHROP SQUARE
BOSTON MA 02110

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

JOSEPH K WITMER
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265
COMMONWEALTH AVE & NORTH
ROOM 116
HARRISBURG PA 17105-3265

THOMAS HATCH
HOUSE OF REPRESENTATIVES
STATE OF UTAH
P O BOX 391
PANGUITCH UT 84759

ISSUE DYNAMICS INC
901 15TH STREET STE 230
WASHINGTON DC 20005

ECONOMIC STRATEGY INSTITUTE
1401 H STREET NW
SUITE 750
WASHINGTON DC 20005

ELLEN DEUTSCH
SENIOR COUNSEL
ELECTRIC LIGHTWAVE INC
8100 NE PARKWAY DRIVE
SUITE 200
VANCOUVER WA 98662

ELECTRIC LIGHTWAVE INC
LEGAL COUNSEL
4400 77TH AVE
VANCOUVER WA 98662

NATIONAL ASSOCIATION OF COMMUNITY ACTION AGENCIES
1100 17TH ST NW STE 500
WASHINGTON DC 20036

GENE VUCKOVICH
EXECUTIVE DIRECTOR
MONTANA RURAL DEVELOPMENT PARTNERS
115 E SEVENTH STREET SUITE 2A
ANACONDA MT 59711

RUSSELL M BLAU (2 COPIES)
PATRICK J DONOVAN
SWIDLER BERLIN SHEREFF FRIEDMAN
COUNSEL FOR GST TELECOM AND KMC TELECOM
3000 K STREET NW SUITE 300
WASHINGTON DC 20008

RUSSELL M BLAU (2 COPIES)
RONALD J JARVIS
SWIDLER BERLIN SHEREFF FRIEDMAN
COUNSEL FOR xDSL NETWORKS INC AND RCN TELECOM SERVICES
3000 K STREET NW SUITE 300
WASHINGTON DC 20008

ROBERT J AAMOTH
KELLEY DRYE & WARREN
COUNSEL FOR COMPTEL
1200 19TH STREET NW STE 500
WASHINGTON DC 20036

JOSEPH KAHL
DIRECTOR OF REGULATORY AFFAIRS
RCN TELECOM SERVICES INC
105 CARNEGIE CENTER, 2ND FLOOR
PRINCETON NJ 08504

RUSSELL BLAU
PAMELA ARLUK
SWIDLER BERLIN SHEREFF FRIEDMAN
COUNSEL FOR CTSI INC
3000 K STREET NW SUITE 300
WASHINGTON DC 20008

MARGOT SMILEY HUMPHREY
KOTEEN & NAFTALIN
COUNSEL FOR NATIONAL RURAL TELECOM ASSOCIATION
1150 CONNECTICUT AVE NW STE 1000
WASHINGTON DC 20036

STUART POLIKOFF
STEPHEN PASTORKOVICH
OPASTCO
21 DUPONT CIRCLE NW STE 700
WASHINGTON DC 20036

WILLIAM E KENNARD
CHAIRMAN
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW ROOM 814
WASHINGTON DC 20

SUSAN NESS
COMMISSIONER
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NEW ROOM 832
WASHINGTON DC 20554

HAROLD FURCHGOTT-ROTH
COMMISSIONER
1919 M ST NW ROOM 802
WASHINGTON DC 20554

MICHAEL K POWELL
COMMISSIONER
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW ROOM 844
WASHINGTON DC 20554

GLORIA TRISTANI
COMMISSIONER
FEDERAL COMMUNICATIONS COMMISSION
1919 M ST NW ROOM 826
WASHINGTON DC 20554

MARK C ROSENBLUM
AT&T CORP
295 NORTH MAPLE AVE
ROOM 5460C2
BASKING RIDGE NJ 07920

J MANNING LEE
TELEPORT COMMUNICATIONS GROUP INC
TWO TELEPORT DRIVE STE 300
STATEN ISLAND NY 10311

RILEY M MURPHY
VICE PRESIDENT AND GENERAL COUNSEL
e.SPRIRE COMMUNICATIONS INC
131 NATIONAL BUSINESS PARKWAY
SUITE 100
ANNAPOLIS JUNCTION MD 20701

BRAD E MUTSCHELKNAUS
MARIEANN Z MACHIDA
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW
SUITE 500
WASHINGTON DC 20036

CATHERINE R SLOAN
RICHARD L FRUCHTERMAN III
RICHARD S WHITT
WORLDCOM INC
1120 CONNECTICUT AVE NW
SUITE 400
WASHINGTON DC 20036

BARBARA A DOOLEY
EXECUTIVE DIRECTOR
COMMERCIAL INTERNET eXchange ASSOC
1041 STERLING ROAD
SUITE 104A
HERNDON VA 20170

ROBERT W MCCAUSLAND
VICE PRESIDENT REGULATORY AND
INTERCONNECTION ALLEGIANCE TELECOM
1950 STEMMONS FREEWAY STE 3026
DALLAS TX 75207-3118

STEVEN GOROSH
VICE PRESIDENT & GENERAL COUNSEL
NORTHPOINT COMMUNICATIONS INC
222 SUTTER STREET
SAN FRANCISCO CA 94108

KEVIN TIMPANE
VICE PRESIDENT PUBLIC POLICY
FIRSTWORLD COMMUNICATIONS INC
9333 GENESSEE AVENUE STE 200
SAN DIEGO CA 92121

JEFFREY BLUMENFELD
CHRISTY C KUNIN
COUNSEL FOR RHYTHMS
NETCONNECTIONS INC
1615 M STREET NW STE 700
WASHINGTON DC 20036

LINDA L OLIVER
HOGAN & HARTSON LLP
COUNSEL FOR LCI INTERNATIONAL TELECOM
CORP
555 THIRTEENTH ST NW
WASHINGTON DC 20004

ANNE K BINGAMAN
DOUGLAS W KINKOPH
LCI INTERNATIONAL TELECOM CORP
8180 GREENSBORO DRIVE SUITE 800
MCLEAN VA 22102

DAVID J NEWBURGER
NEWBURGER & VOSSMEYER
COUNSEL FOR CAMPAIGN FOR
TELECOMMUNICATIONS ACCESS
ONE METROPOLITAN SQUARE
SUITE 2400
ST LOUIS MO 63102

ALBERT H KRAMER
MICHAEL CAROWITZ
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
COUNSEL FOR ICG TELECOM GROUP INC
2101 L STREET NW
WASHINGTON DC 20037-1526

CINDY Z SCHONHAUT
SENIOR VICE PRESIDENT OF GOVERNMENT
AFFAIRS & EXTERNAL AFFAIRS
ICG COMMUNICATIONS INC
161 INVERNESS DRIVE
ENGLEWOOD CO 80112

ANTHONY C EPSTEIN
JENNER & BLOCK
601 THIRTEENTH STREET
12TH FLOOR SOUTH
WASHINGTON DC 20005

KEVIN SIEVERT
GLEN GROCHOWSKI
MCI COMMUNICATIONS
LOCAL NETWORK TECHNOLOGY
400 INTERNATIONAL PKWY
RICHARDSON TX 75081

W SCOTT MCCOLLOUGH
MCCOLLOUGH AND ASSOCIATES PC
1801 NORTH LAMAR STE 104
AUSTIN TX 78701

DANA FRIX
KEMAL M HAWA
SWIDLER & BERLIN CHTD
COUNSEL FOR HYPERION
TELECOMMUNICATIONS INC
3000 K STREET NW STE 300
WASHINGTON DC 20007-5116

RUSSELL M BLAU
SWIDLER & BERLIN CHTD
COUNSEL FOR KMC TELECOM INC
3000 K STREET NW STE 300
WASHINGTON DC 20007

STEVEN M HOFFER
COALITION REPRESENTING INTERNET
SERVICE PROVIDERS
95 MARINER GREEN DR
CORTE MADERA CA 94925

THOMAS M KOUTSKY
ASSISTANT GENERAL COUNSEL
COVAD COMMUNICATIONS COMPANY
6849 OLD DOMINION DRIVE SUITE 220
MCLEAN VA 22101

LAWRENCE G MALONE
GENERAL COUNSEL
STATE OF NEW YORK DEPARTMENT OF
PUBLIC SERVICE
THREE EMPIRE STATE PLAZA
ALBANY NY 12223-1350

L MARIE GUILLORY
NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION
2626 PENNSYLVANIA AVE NW
WASHINGTON DC 20037

CHRISTOPHER W SAVAGE
COLE RAYWID & BRAVERMAN
COUNSEL FOR COMCAST CORPORATION
1919 PENNSYLVANIA AVE NW STE 200
WASHINGTON DC 20006

PETER ARTH JR
WILLIAM N FOLEY
MARY MACK ADU
505 VAN NESS AVE
SAN FRANCISCO CA 94102

COMPETITIVE PRICING DIVISION
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW - RM 518
WASHINGTON DC 20554

MAUREEN LEWIS
GENERAL COUNSEL
ALLIANCE FOR PUBLIC TECHNOLOGY
901 15TH ST NW STE 230
WASHINGTON DC 20038-7146

MARK C ROSENBLUM
AVA B KLEINMAN
AT&T
295 NORTH MAPLE AVE
RM 3252J1
BASKING RIDGE NJ 07920

ECONOMIC STRATEGY INSTITUTE
1401 H ST NW STE 750
WASHINGTON DC 20005

ANGELA LEDFORD
KEEP AMERICA CONNECTED!
P O BOX 27911
WASHINGTON DC 20005

PETER A ROHRBACH (2 COPIES)
LINDA L OLIVER
HOGAN & HARTSON LLP
COUNSEL FOR LCI INTERNATIONAL CORP
AND QWEST COMMUNICATIONS CORP
555 THIRTEENTH ST NW
WASHINGTON DC 20004

RICHARD J METZGER
EMILY M WILLIAMS
ASSOCIATION FOR LOCAL
TELECOMMUNICATIONS SERVICES
888 17TH ST NW STE 900
WASHINGTON DC 20006

KAREN PELTZ STRAUSS
LEGAL COUNSEL FOR
TELECOMMUNICATIONS POLICY
NATIONAL ASSOCIATION OF THE DEAF
814 THAYER AVENUE
SILVER SPRING MD 20910-4500

CHARLES D GRAY
GENERAL COUNSEL
NATIONAL ASSOCIATION OF REGULATORY
UTILITY COMMISSIONERS
1100 PENNSYLVANIA AVENUE STE 608
P O BOX 684
WASHINGTON DC 20044

ERIC R OLBETER
ECONOMIC STRATEGY INSTITUTE
1401 H STREET NW STE 750
WASHINGTON DC 20005

DR JANET K POLEY
UNIVERSITY OF NEBRASKA
C218 ANIMAL SCIENCES
P O BOX 830952
LINCOLN NE 68583-0952

DAVID W ZEISIGER
DONN T WONNELL
INDEPENDENT TELEPHONE &
TELECOMMUNICATIONS ALLIANCE
1300 CONNECTICUT AVE NW STE 600
WASHINGTON DC 20036