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

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In the Matter of	)	
	)	
1998 Biennial Regulatory Review – Modifications to Signal Power Limitations Contained in Part 68 of the Commission's Rules	)))	CC Docket No. 98-165

REPLY COMMENTS OF BELL ATLANTIC[1]

Nearly all of the parties support the need for empirical testing before mandating technical changes to the public switched network. Without actual tests, the Commission has no basis to find that the proposed changes will be benign. And now that the ATIS-sponsored Committee T1 is in the final stages of approving a measurement plan testing the impact of increasing encoded analog content power to accommodate 56 kilobits per second ("kbps") pulse code modulation ("PCM") modems, there will be an opportunity to obtain actual test results.[2] Accordingly, the Commission should encourage ATIS to expeditiously conduct and complete the proposed test and await the results before taking further action in this proceeding.

The few parties that favor an immediate rule change provide no test data whatever that would show the impact on customers' service of the proposed change,

[1] The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company; and New England Telephone and Telegraph Company.

[2] The test plan was unopposed in a recent ballot but needs to be reballoted because of technical improvements that were made to the plan.

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because none has conducted any tests to determine if there is any adverse impact. For example, "[a]though supportive of the proposed changes, TIA notes that there are concerns on the lack of practical test data to verify this conclusion [that it will not create interference]." TIA at 3. Only one party, Nortel, even provides any technical arguments whatever in support of changing the rule, by presenting what it claims are analogous scenarios of existing equipment that operates at higher power levels. However, the Commission cannot rely on either of Nortel's scenarios to reliably predict the impact of the proposed rule change on the network and should, instead, await reliable test data.

First, Nortel asserts that DTMF (touchtone) customer premises equipment sends signal levels that are higher than those the Commission proposes here. Nortel at 3. DTMF tones are sent only during call setup or to activate voice response systems, and individual DTMF signals have a very short duration. As a result, the likelihood of several customers transmitting DTMF signals simultaneously in a binder group is quite low. By contrast, the proposal here would allow increased signal levels for a protracted period, for example, during the duration of an end user's Internet session. There would be a much greater chance of multiple callers receiving simultaneous signals at the higher level, and any interference could occur for an extended period of time. This could cause significant disruption to other users with services in the same binder group.

Nortel's second scenario is no more analogous to PCM modems than the first. Nortel cites Local Area Data Channel ("LADC") equipment, which operates at a maximum signal power that is higher than the proposed encoded analog content signal power. It asserts that the fact that such equipment has operated successfully for over 15 years indicates that the proposed increase will not cause harm. *See* Nortel at 4. LADC

equipment, however, is intended to transmit data over only limited distances, and, as Nortel admits, LADC signals are not meant to be carried over the public switched network. *Id.* As a result, they are not handled by network switching systems or carried over interoffice transport systems. Therefore, they could not cause interference in such systems.

The most important difference, which Nortel fails to mention, is that, unlike signals from PCM modems, special administrative procedures – spectrum management guidelines – are used to prevent interference from LADC modems into other services in the same cable. This is possible because LADC is a specialized service that will occupy at most only a few pairs within a cable. By contrast, given the growth of Internet traffic and the routine inclusion of 56 kbps modems in personal computers, signals from PCM modems are likely to occupy a much higher percentage of cable pairs, vastly increasing the likelihood that multiple pairs will carry the higher signal power simultaneously. This will increase the chance of interference to other services if the proposed rule is adopted. As a result, the Commission cannot rely on the experience with LADC to determine whether the proposed higher encoded analog content power will cause unacceptable interference with other services.

Now that the Committee T1 test plan is close to approval, in order to expedite completion of this proceeding, the Commission should encourage ATIS to conduct the tests as early as possible. Upon conclusion of the testing, ATIS should be asked to submit the results to the Commission for publication and comment. The Commission should await those comments before it takes any further action in this proceeding.

Respectfully Submitted,

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November 13, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 1998, a copy of the foregoing Reply Comments of Bell Atlantic was sent by first class mail, postage prepaid, to the parties on the attached list.

Jennifer L. Hoh

* Via hand delivery.

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