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

In the Matter of:	)	
	)	
Joint Applications of GTE Corporation	)	
and Bell Atlantic Corporation Requesting	)	CC Docket 98-184
approval for transfer of control of certain	)	
licenses and authorizations from GTE	)	
Corporation to Bell Atlantic Corporation	)	

TO: The Commission

COMMENTS OF CAMPAIGN FOR TELECOMMUNICATIONS ACCESS

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Summary

The Campaign for Telecommunications Access (the Campaign) works to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities--and all citizens for that matter--have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible.

Both existing and new telecommunications technologies are essential for many older adults and people with disabilities to live their own lives with independence and dignity. Obviously, the telephone is the lifeline to family and emergency care givers when the need arises. That it reaches all Americans and is highly efficient are both essential to its performing that function.

Then consider future technologies. We have the capacity today to put health clinics, schools, universities, libraries, jobs in homes and neighborhoods without moving people and all through various interactive, broadband technologies. Video conferencing allows the deaf to sign by telephone and grandparents to see grandchildren far away. It also allows true discourse between professor and remote student, true medical evaluation between doctor and remote patient, and so forth. These technologies and others promise to allow older adults and people with disabilities to integrate themselves within the society in

general regardless of where they are located and without having to overcome the sometimes overwhelming challenges of transportation.

We have not, however, spread those technologies to residential consumers across the Nation. The Campaign's concern is whether the evolution of telecommunications regulation will assist in accomplishing that end.

As we look at the proposed Bell Atlantic/GTE merger (as well as the one between SBC and GTE), we see this: The telephone companies are the only clear last hope for bringing broadband technology--technology essential for this future--the "last mile" to our homes and neighborhoods. Since the 1996 Act, all other industry segments have shown they will be slow to, or will not, go the last mile. Wireless and competitive access providers are focusing on serving businesses. Cable television and satellite services are not serving interactive voice and video communications. Cable television modems cannot be universally implemented without further development of the technology. Electric utilities have all but disappeared from the scene. Long distance companies are offering local service to businesses, but keep stepping away from serving residential consumers. For the foreseeable future, the local telephone companies are going to continue to be the chief source for both future technologies and the highly accurate local service that most Americans will be able to get.

Will the local telephone companies continue to meet that need and roll out these new technologies? Some would say they cannot be trusted to roll out broadband technology the last mile to all consumers without some legal requirement. Yet, many facts indicate that they will work very much in that direction.

The local telephone companies are already invested in universal service; upgrading is more feasible than bringing the service anew. They have a corporate tradition and image of serving everybody in their service areas, a matter that may give them an edge in competition that they will not cavalierly ignore. Bell Atlantic (as well as SBC and Ameritech) have a history--according to the NAACP grading study and other sources--of better performance with minorities, women, and people with disabilities. They are presently pushing to get into the xDSL business--a technology that is good because it is affordable in many contexts and goes the "last mile."

If those companies are vibrant, they are the obvious and last hope for bringing new telecommunications technologies to all in their service areas. Those companies believe the proposed mergers will enhance their vitality. The Commission is not charged with second guessing that judgment. As such, the Commission should support the mergers that will enhance prospects of guarantying that advanced technologies will reach, and current technologies will continue to reach, the Campaign's constituents--geographically, technologically, and affordably--even though those constituents are spread all over these companies service areas.

AT&T and TCI pose a different story. If they were to commit to spread switched broadband communications throughout TCI's service area, the Campaign would be enthusiastic about the merger. The Campaign has not been able to find any such commitment. Meanwhile, TCI has recently rolled out digital services that introduce at least one barrier to blind people that ought not to have been allowed. The Commission should be concerned that that problem gets solved before supporting the merger.

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I. Introduction and Identification

The Campaign for Telecommunications Access (the Campaign) works to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The Campaign is composed of Alpha One, American Council of the Blind, Association of Late Deafened Adults, Missouri Alliance of Area Agencies on Aging, Missouri Association for the Deaf, Missouri Council of the Blind, National Silver Haired Congress, Northen Virginia Resource Center for the Deaf and Hard of Hearing, Presidents' Club for Telecommunications Justice, and Paraquad, the latter being the St. Louis, Missouri independent living center that assists people with all kinds of disabilities to integrate fully into society. The Campaign has filed comments in other Commission proceedings and has participated in other telecommunications regulatory proceedings.

The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities--and all citizens for that matter--have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible. In working to see that new and existing telecommunications technologies will be available to, usable by, and affordable for all citizens, the Campaign is an extension of that mission in the area of telecommunications.

II. The Source of the Campaign's Interest

New telecommunications technology, when fully distributed to the citizenry and usable by and affordable for all, promises numerous new ways for older adults and people with disabilities--and all other citizens--to maintain their independence and lead productive lives. The Campaign believes that whether the Commission approves the Bell Atlantic/GTE and other proposed mergers will directly affect the availability, usability, and affordability of new telecommunications for people with disabilities and older adults. People of these groups represent a considerable portion of the Nation.

In 1996, 33 million Americans were 65 years of age or older. *Statistical Abstract of the United States*, 117th Edition, 48 (Berman Press 1997) [*Abstract*]. This category of older Americans will double by the year 2030. *Id.* at 17. *See also*, AARP, A Profile of Older Americans: 1995. This population shift will also affect the demographics of the labor force. In 1996, adults age 65 and over represented 11.6 percent of employed persons, leaving 87.8 percent out of the employment pool. *Abstract* at 48.

An even larger pool of Americans have disabilities. The conservative estimate is that 15 percent of Americans have disabilities. H. Kaye, *Disability Watch: The Status of People with Disabilities in the United States* 11 (1997). That estimate is in part based on 1992 U.S. Census figures, which show that 49 million people in America had disabilities at that time. President's Committee on Employment of People with Disabilities, *Profit from our Experience* (Oct. 1995). In 1994, only 31 percent of people with disabilities from ages 16 to 64 had jobs while some 79 percent of people with disabilities who were not working wanted to work. *Id.*; National Organization on Disability, *Report* (Fall 1994). Among many

other reasons given, 38 percent said they do not have the necessary education, training, or skills to get a job and 28 percent said they lacked accessible transportation.

Policymakers commonly ignore the need to assist older adults and people with disabilities to be in the mainstream of society--leaving these population segments under served. For example, a Missouri study of the needs of older adults showed, among other things, that 67 percent of older Missourians who perceive a need for information services do not get them, 59 percent who perceive a need for elderly care information do not get it, and 37 percent who perceive a need for transportation services do not get them. Missouri Department of Social Services, Division of Aging, *Needs Assessment Study, 1994 Statewide Report*.

Meanwhile, the recent update of the 1994 survey manifests that many Americans with disabilities are substantially segregated from mainstream American life with respect to jobs, education, transportation, and many other areas of daily life--and that their situation was the same or worse than the 1994 survey indicated. 1998 N.O.D./Harris Survey of Americans with Disabilities. In its press release announcing the results of the survey, NOD reported:

> Among the most startling findings about the workforce, the research exposed significant gaps between the employment rates of the working disabled versus the working non-disabled. Only 29% of disabled persons of working age (18-64) work full or part-time, compared to 79% of the non-disabled population, a gap of 50 percentage points. Of those with disabilities of working age who are not working, 72% say that they would prefer to work.
>
> Fully a third (34%) of adults with disabilities live in households with total income of $15,000 or less, compared to only 12% of those without disabilities.

> Approximately one in five (20%) of adults with disabilities have not completed high school compared to 9% of adults with no disabilities.

See http://www.nod.org/presssurvey.html.

All this manifests that people with disabilities are disproportionately grouped in the poorer part of the American population. And a recent report by the National Telecommunications and Information Administration (NTIA), entitled *Falling Through the Net II: New Data on the Digital Divide*, issued July 28, 1998, indicates that income individuals historically have had, and continue to have, fewer telephones and computers. See http://www.ntia.doc.gov/ntiahome/net2/falling.html. NTIA concluded that the "least connected" were rural poor, rural and central city minorities, young households, and female heads of households.[11]

The fact that the older adult and disabled populations are behind in obtaining telephone and computer services is made all the more poignant by the special promise that these technologies have for these segments of the population. The promise of present and future telecommunications very much affects the lives and independence of people with disabilities and older adults. Consider, for example, today's telecommunications technologies. Such services as Caller ID screens allow a deaf person to know who is calling even if the caller does not have the sense or knowledge to use a TDD or the Relay Service to call the deaf person. The deaf person can view the screen, return the call via

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[1]Typically of many other studies and for reasons that appear rational though lamentable, the NTIA study did not collect information specifically about people with disabilities.

the Relay Service if he[2] wants, and complete a communication that previously would have been impossible. Meanwhile, even more recent technology voices the contents of the Caller ID screen, letting people who are blind--and others who simply have their hands full--in on the benefits of Caller ID.

Consider also, for example, the health and safety we entrust to the telecommunications systems. We assume a 911 call, or burglar alarm call to a monitor, or call to a medical care monitor will virtually always go through and go through the first time. Older adults live in their homes longer today, delaying or avoiding moving into nursing homes, because they can rely on the telephone to call for help when they need it. The same is true of many people with disabilities. If the 99.99+ percent consistency of telephone connections declines, people's safety will be put at risk or they will have to give up their independence in live in sheltered situations where that would otherwise be unnecessary.

Tomorrow's telecommunications technologies foretell even greater promise for the Campaign's constituents. Many of the problems people with disabilities and older adults face with obtaining education, transportation, jobs, health care, and other services will be assuaged or eliminated by the advanced telecommunications technologies that Congress encouraged in enacting the Act. Consider a few.

Telecommuting will allow people with transportation problems to stay in their homes and neighborhoods and work anywhere in the world. Telemedicine will allow people to

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[2]Occasionally, in these comments, a male pronoun is used to reference a hypothetical individual. In such occasions, that pronoun is used in a generic sense to refer to a hypothetical individual of either gender.

remain home and independent even if they live some distance from their doctors. Distance learning will allow students to attend the university from their living rooms. People who lack the physical strength to pick up a book will be able to read books located around the world with the punch of a button.

Videoconferencing will allow deaf people to sign to one another. It will allow deaf students to attend any class and obtain deaf interpretation through a screen in the classroom and a remote interpreter located miles away. It will allow grandparents to watch their grandchildren grow even though they may live a continent or more apart.

The examples are inexhaustible. Two fundamental facts emerge. While telecommunications services already eliminate many barriers to independence for many older adults and people with disabilities, advanced telecommunications technology promises to overcome serious transportation and communications barriers that today keep some people from being educated, trained, cared for, employed, out of nursing homes, and integrated into their communities. And, these advanced technologies often imply broadband solutions that allow quick transfer of massive amounts of data.

III. The Core Issue

Continuation of high quality of telecommunications services and the advances envisioned here will only materialize, however, if current technology stays with, and advanced technology comes to, all people with disabilities, older adults, and all Americans. Therefore, the Campaign's foremost concern in all telecommunications cases before the Commission is this: Does each proposal or application guarantee that, or foster a situation in which, advanced technologies will reach, and current technologies will continue to reach,

our constituents--geographically, technologically, and affordably--even though our constituents are spread all over America?

In this proceeding, that question translates into whether the proposed merger between GTE and Bell Atlantic makes it more or less likely that people with disabilities, older adults, and all Americans living in these companies' service areas will maintain high quality service and obtain broadband technology and other advanced telecommunications capabilities as fast as possible.

IV. Large Local Telephone Companies Are the Last Best Hope for Bringing Advanced Technologies the "Last Mile"

By the very nature of the telecommunications industry's competitive environment, commercial consumers' demand for current and future telecommunications technology will be met. Whether it is met by a traditional or competitor local telephone company will play out according to market prices and regulatory regimes that affect one company or another's ability to make particular marketplace offerings. One way or another, however, there is clearly sufficient telecommunications infrastructure to ensure that large commercial consumers' demand will be met.

The key public policy question is whether that demand will be met for ordinary citizen consumers, especially those like many older adults and people with disabilities who have special uses for the future technologies that depend on transfers of high volumes of data. The key bottleneck to meeting that demand is moving that data from the high capacity networks, along the so-called "last mile," to consumers' homes and small businesses.

A. The Status of Technologies That May Go the "Last Mile"

The means for eliminating that bottleneck appear to be through a combination of cable television networks, wireless and satellite "networks," exotic networks such as electric utility facilities, and through speeding up local telephone companies' data transfers through the telephone lines that already reach us at home. The prospect for building a new broadband cable facility like a fiber optic line to each home is unlikely or at best a long way off.

The wireless and exotic industries have not, however, proved commercially feasible for residential communication at the present, although wireless telephones may be becoming a substitute for the home phone in some circumstances. Cable television and satellite dishes are effectively used for Internet access, but do not carry oral or video conferencing. Little has been heard of the electric industry's rolling out a commercially viable solution.

The most likely path for getting universities and jobs and visual communications into our living rooms, while getting an array of specialized medical services into our neighborhoods, is through enhanced use of telephone lines that are already strung the "last mile." ISDN technology, which is widely available today and does not require rewiring the "last mile," does not allow for full motion video, but can in fact be used today for Videoconferencing that allows one-on-one signing with a deaf person. The various xDSL technologies promise data transfer rates that will support full motion video. These technologies can be delivered to the home at prices that approach affordability for

consumers, particularly if it can be done on a shared basis or for someone who can use the technology to work at home and earn enough to offset the additional cost.

B. The Status of Regulatory Reform That May Bring Telecommunications the "Last Mile"

In the midst of these circumstances, one must admit the truth about various universal service fund strategies. Put whatever face on it one likes, the truth is that the e-rate is in serious trouble politically. As such, we are at serious risk of not rolling out broadband technology to many of our libraries and schools, let alone our other neighborhood facilities and homes.

Meanwhile, universal service funding is not designed to--and will not support--a significant build out of broadband capacity to our homes and offices even in high cost areas and poor neighborhoods. Moreover, it appears that universal service funding will be quite constrained with respect to needed technologies. For the foreseeable future, it most probably will not, for example, support video conferencing even though that technology is necessary to provide basic telephone service for people who are deaf and skilled in American Sign Language, as opposed to English.

Further, public relations campaigns--spearheaded by new local telephone service competitors and long distance companies--shamelessly encourage public backlash to funding subsidies explicitly, all the while working to squeeze implicit subsidies out of the system. These campaigns are acting in total disregard for the public policy of ensuring that all Americans have affordable and usable access to present and future telecommunications technology.

C. The Prospects for Getting Someone to Bring Telecommunications the "Last Mile"

And the basic realities that have emerged since enactment of the Telecommunications Act are in place: Most competitor local and long distance companies have little or no interest in competing for residential consumers. With few exceptions, neither cable television companies nor wireless companies are trying to provide facilities-based, residential local telephone service. While some local residential competition is emerging in selected locations, paving the way for the Bell companies to enter the long distance business, no one other than the incumbent local telephone companies is seriously focused on ubiquitous residential telephone service.

The Campaign wishes that were not true. The Campaign endeavors to support all industry segments--be they cable, wireless, satellite, or other technologies that promise to bring broadband service that "last mile." But, there has not been much of an opportunity for the Campaign to advocate for their rolling out their technologies that "last mile." After all, those industries do not have serious regulatory review to face if they do choose to enter the broad residential arena.

Much as the Campaign might like there to be more choices, the fact is that the only companies that are providing the service today on anything near a universal basis are the local telephone companies. Therefore, they are the last best hope for bringing advanced technologies the last mile. The questions then become, is there a chance that they will bring those technologies the last mile, and if so, how do we convince them to do so.

Some would say they cannot be trusted to roll out broadband technology the last mile to all consumers without some legal requirement. Yet, many facts indicate that they do have a self interest in working in that direction.

The local telephone companies are, after all, already invested in universal service; upgrading is more feasible than bringing the service anew. They have a corporate tradition and image of serving everybody in their service areas, a matter that may give them an edge in competition that they will not cavalierly ignore. The three regional Bell companies engaged in mega-merger proposals today have a history--according to the NAACP grading study and other sources discussed below--of better performance with minorities, women, and people with disabilities. They are presently pushing to get into the xDSL business--a technology that is good because it is affordable in many contexts and goes the "last mile." All that implies they believe there is value for them in bringing advanced technologies the last mile to their residential and small business customers.

If they have that interest, how do we encourage them to go the last mile? Certainly, imposing barriers and disincentives is obviously counterproductive. Likewise, allowing them to increase their internal financial strength is likely to enhance the probability that they will roll out the technology as the Campaign desires. If the local telephone companies have significant capital resources, they can at least take a very long view of return on investment. If so, they can afford to subsidize at least temporarily the roll out.

And, the proposed merger enhances their capital resources. Such is obvious from the very fact that GTE and Bell Atlantic have made the business judgment to merge. After all, they would not propose a merger unless they believed they would obtain synergies

from it. Then, unless the Commission believes its regulatory authority authorizes it to second guessing private companies' business judgment about what is in each of their own best interests, the Commission should authorize the merger.

In doing so, the Commission should explore whether it might obtain commitments from these companies to advance the deployment of broadband technology as part of their social contract when obtaining approval for the merger. But, it should not take a punitive approach of barring such mergers. These are the only companies playing the residential consumers' tune.

V. Letting Local Telephone Companies Expand Their Service Areas Through Mergers Is Actually a Plus for Older Adults and People with Disabilities Seeking New Technologies

One aspect of two local telephone companies merging is that it increases the geographical service area of the combined organization. Obvious though that observation may be, it has significance from the point of view of bringing new, broadband technologies to consumers.

Commonly, one of the difficulties with new technologies is their lack of established standards. One company's method for organizing xDSL service, for example, may be different from another's. As a result, video conferencing going from one local telephone company, through a long distance company's facilities, to another local telephone company to terminate the call, risks incompatibility several steps along the way. On the other hand, a company that is the product of a merger has an incentive to move toward comparable service throughout its service area. Therefore, the larger footprint of the merged company

has the effect of improving the odds that remotely located people will be able to communicate using advanced technologies.

VI. These Mergers Do Not Denigrate the Prospects for Competition

Some consumer groups appear to be "bigness" haters, without material analytical foundation. For example, in responding to the proposed GTE/Bell Atlantic merger, Consumers Union issued a press release in which spokesman Gene Kimmelman is quoted as saying,

> We're finding the monopolies are getting bigger and bigger with the dominant players joining together rather than taking each other on. And by combining GTE and Bell Atlantic, it is much less likely that other companies will make the enormous investment necessary to challenge such a large entrenched monopoly.

Press Release, July 28, 1998, http://www.consunion.org/other/0728gtedc798.htm.

The Consumers Union's warning is fatuous. There is not--and there never has been--a possibility that some new entrant was going to come into the market and create a replication of either GTE or Bell Atlantic in size and scope to commence competition with either of them. Combining them makes no difference in that respect.

The model for competition under the Telecommunications Act has been for new entrants to seek profitable niches to chip away from the incumbent telephone company. In Texas, AT&T tried reselling to all residential and commercial customers through at least Southwestern Bell's portion of the state, but then suspended the operation, declaring it unprofitable. Competition will not come in the form of a competitive onslaught of GTE's or the regional Bell's total territories.

More typically, as the Commission well knows, competitors have come into specific neighborhoods, such as downtowns, or other narrower regions to compete. That Bell Atlantic was providing telephone service in New York City before the merger, that GTE was providing telephone service in Columbia, Missouri, and that the combined company is to be providing such service after the merger in both locations, all has no apparent impact on whether a competitor decides to compete for local business in New York City or Columbia.

And, if the merger happens, the chances of completing an advanced technology call between New York City and Columbia are materially enhanced.

Obviously, it is true GTE will no longer be a potential competitor in Bell Atlantic's service area and vice versa, but it is pure speculation to say that the merger reduces competition. There is no material competition today between Bell Atlantic and GTE for customers in their same service areas. Moreover, the combination of the two companies may actually enhance the likelihood of their competing for business in other companies' service areas. After all, that is exactly what SBC proposes to do after the merger with Ameritech. SBC has promised to embark on competition for both commercial and residential business in 30 new cities outside its combined service area after the merger and argues the merger is necessary to give it the financial wherewithal to undertake such competition.

VII. These Mergers Will Nurture Companies' Following Positive Social Policies

In a market driven system, and even under regulation, the ground rule has always been clear that telecommunications companies are in business to make a profit. Still, some companies have a history of working toward that profit in virtually total disregard for public

interest considerations. Others have found ways to build business plans that enhance social goals while still obtaining their profits.

The Campaign believes that companies with a history of the latter strategy--of enhancing social goals while still obtaining their profits--should be rewarded, not disdained, by the regulators. After all, both those companies and the regulators are then together working toward a positive public interest. In the context of mergers, the fact that a company has a positive history and is a leader in the combination of the two companies implies that its contributory social policy will move beyond its historical bounds to cover at least the combined companies.

It seems appropriate in this matter--particularly given that the Commission must now decide on three proposed major mergers, those of Bell Atlantic and GTE, SBC and Ameritech, and Tele-Communications, Inc. (TCI) and AT&T--to summarize the apparent histories of each of the companies involved. Obviously the Campaign cannot undertake the search that the Staff can. Still, a search of Internet resources and other bits of information provide guidance to matters that should be examined in considering these companies histories. Consider each in order.

A. Bell Atlantic and GTE.

Bell Atlantic has a substantial record of social responsibility. For example, Bell Atlantic is reported to be one of the first two regional Bell companies to adopt a universal design policy to ensure that its products and services are usable by people with disabilities. *See Fortune 500 Companies Take Up Universal Design*, United Cerebral Palsy

Washington Watch, vol. 4, no. 5, April 7, 1998, *reprinted at* http://www.upca/html/advocacy/vol4_iss5.html.

In addition, Bell Atlantic received the 1995 Outstanding Corporate Business Award from the National Minority Business Council in recognition of some $250 million of procurement from businesses owned and operated by minorities and women out of a total of some $3 billion of annual purchases. *See* Bell Atlantic News Release, February 22, 1996, *reprinted at* http://www.ba.com/nr/96/feb/2-22minority.html. That Bell Atlantic continues to stay on track with its social consciousness was reflected in the NAACP's first Telecommunications Consumer Choice Guide & Report Card issued this Fall. See NAACP Online, press release, September 17, 1998, *reprinted at* http://www/naacp.org/president/-releases/archives/1998/telcom_survey.htm.[3] Along with SBC, Ameritech, and BellSouth, Bell Atlantic was awarded a "B," the top grade that the NAACP issued.

If Bell Atlantic continues its history in these arenas, then the newly merged companies becomes an even larger arena in which Bell Atlantic executives can do good works. Given, one, that Bell Atlantic appears to be leading its proposed merger and, two, that backsliding from a good history would put Bell Atlantic in a highly vulnerable public relations position, one has to guess that the merged company will be compelled to maintain the tradition after the merger. Approving the merger will enrich America's stockpile of companies who understand they can do well by doing good.

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[3]The NAACP issued telephone companies the following grades: BellSouth: B, SBC: B, Ameritech: B, Bell Atlantic: B, AT&T: B-, SNET: B-, Excel: C+, Cincinnati Bell: C+, MCI/WorldCom: C, USWest: C, LCI: C, Comcast: C, GTE: C, AllTel: D+, Airtouch: D+, and Frontier: F.

B. SBC and Ameritech

SBC is the undisputed leader in the proposed merger with Ameritech, and it has at least as good a record as Bell Atlantic. It was the other of the two regional Bell companies who first established corporate universal design policies. *See* United Cerebral Palsy Washington Watch, vol. 4, no. 5, *supra*. In fact, notwithstanding an unfortunate battle that has ensued over whether § 255 covers all information services or just telecommunications services, SBC has committed itself toward making all of its products and services accessible, and requiring its vendors to assist in that process. For example in its comments In the Matter of Implementation of Section 255 of the Telecommunications Act of 1996, WT Docket No. 96-198, SBC explicitly stated:

> [SBC's] Universal Design Policy, which applies to all of SBC's subsidiaries, pledges each company to create new products and services -- including information services -- that address the needs of customers with disabilities.

Id., at 8. With respect to its customers with disabilities, SBC has forsworn any effort to avoid service by relying on a technicality.

Again, like Bell Atlantic, SBC has a significant record of doing substantial business with diversity owned businesses. SBC has recently reported in an employee newsletter filed with the California Public Service Commission that in 1997 it spent more than $1.3 billion with minority, women, and disabled-veteran suppliers, out of that year's total procurement of $7 billion, and that in the last 5 years it had spent over $4 billion with such suppliers. sbc.com, November 1998, at 7. And, again along with Bell Atlantic, Ameritech, and BellSouth, SBC was awarded a "B," the top grade the NAACP issued in its Telecommunications Consumer Choice Guide & Report Card published in September.

The Campaign focuses on SBC's record because it is the leader in this merger. And, that record shows that SBC has evidence significant social responsibility. But, one should also recognize that, as indicated by the NAACP report card, Ameritech too has an outstanding social responsibility record. The approval of the merger for these companies can only stimulate a continuation of those constructive policies.

C. TCI and AT&T

Perhaps because these companies are less regulated, the Campaign has had a considerably harder time discerning information about their socially conscious policies. To the best of our knowledge, their websites do not disclose either diversity contracting patterns or response to the needs of people with disabilities. As noted above, the NAACP gave AT&T a "B-" in its Telecommunications Consumer Choice Guide & Report Card issued this Fall. Arguably, that grade is not materially worse than those awarded Bell Atlantic, SBC, and Ameritech. Apparently because it is not now in the telephone business, TCI was not graded.

Given the different industry segments that these companies are in, their merger raises different implications for the Campaign. The combination of a long distance company with a cable television company has the potential for bringing the telephone company's telecommunications services the last mile to people's homes. The Campaign would vigorously endorse that result as that might mean facilities-based competition for local telecommunications services in TCI's service areas.

On the other hand, the Campaign has not discovered any evidence that AT&T and TCI have made a commitment to such a roll out. The Commission should investigate

further to ascertain whether AT&T and TCI can or will make such a commitment. The Campaign would consider such a commitment highly desirable.

The Campaign has another concern in this area. Serendipitously, TCI provides cable television service in a part of Missouri where the president of the Missouri Council of the Blind resides; the Council is a member of the Campaign. Recently TCI has offered digital service in that area. The Council has discovered that TCI's digital service does not support the secondary audio channel that blind people have been able to use in recent years to obtain audio descriptions of the scenes and action in movies and programs, known of as "Descriptive Video Service." Upon inquiry, TCI representatives informed the Council that TCI does not have plans to modify its service to support the Descriptive Video Service any time soon.

As a result, TCI appears to have introduced a new television service that creates previously eliminated barriers for the blind. A blind person and his sighted family members who lives in this area of Missouri is forced to choose between analog television service with video descriptions or digital television service with enhanced programming and enhanced displays, but no video descriptions. Again, the Commission should investigate the policies of TCI and AT&T on endeavoring to make all of the products and services usable by all people, regardless of disability, in the process of ruling on this proposed merger.

VIII. Conclusion

As the Campaign has already stated, it believes the Commission should decide the question whether to approve this and the other mergers with substantial attention to the

question whether the proposed merger makes it more or less likely that people with disabilities, older adults, and all Americans living in these companies' service areas will maintain high quality service and obtain broadband technology and other advanced telecommunications capabilities to as fast as possible. The case appears good for Bell Atlantic and GTE (as it also does for SBC and Ameritech) and those should be granted. Further, investigation is necessary to ascertain where AT&T and TCI stand on this issue.

Respectfully submitted,

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Certificate of Service

I certify that the foregoing has been filed with Magalie Roman Salas, Commission Secretary, Federal Communications Commission, and the other parties in interest in the above captioned proceeding by hand delivery or U.S. Mails, postage prepaid this December 23, 1998.