

AT&T could easily have provided those circuits to Bell Atlantic had AT&T been asked, and that Bell Atlantic had actually obtained those circuits from another carrier.²³⁸

Commenters also agree that, given the advent of digital technologies, Internet telephony, and other rapidly growing overlaps between the worlds of data and voice, any attempt to limit interLATA relief to “data” services would be impossible effectively to police and would create an “administrative nightmare.”²³⁹ Indeed, contributing to that nightmare, Ameritech itself confirms that, if the Commission’s proposals are adopted, “the Commission will be confronted with hundreds of such requests.”²⁴⁰ And numerous commenters confirm that there is no valid policy basis for setting down that path, for any need for interLATA transport can and will be met efficiently by the existing interexchange market.²⁴¹

Further, these commenters agree that the Commission’s tentative proposals would go well beyond any existing precedents under Section 3(25)(B). As Florida Digital Network explains, neither of the two contexts in which boundary modification authority has been

²³⁸ See, e.g., MCI WorldCom, p. 92; Sprint, p. 38; Transwire, p. 47 n.111; see also Opposition of AT&T, Request By Bell Atlantic - West Virginia For Interim Relief Under Section 706, Or, In The Alternative, A LATA Boundary Modification, NSD-L-98-99, DA 98-1506 (filed Aug. 10, 1998).

²³⁹ See CompTel, p. 51; see also, e.g., CWI, p. 18; Intermedia, p. 70; MCI WorldCom, p. 90; Nextlink, pp. 28-29 n. 49.

²⁴⁰ Ameritech, p. 70.

²⁴¹ See, e.g., Allegiance Telecom, p. 27; CWI, p. 18; CompTel, p. 51; Florida Digital Networking, pp. 6-7; Hyperion, pp. 9-10; Intermedia, p. 70; KMC Telecom, pp. 27-28; Sprint, p. 37.

generally exercised in the past – to permit individual BOCs to provide flat-rated non-optional expanded local calling service to single “communities of interest” that straddled LATA boundaries, or to change the “associations” of independent telephone companies with particular LATAs so as to enable independent telephone companies to route traffic through a BOC switch in a different LATA than the LATA with which it had previously been associated – “is remotely analogous to allowing LATA boundary modifications to enable a BOC to reach network access points in another LATA. Granting that type of relief would go far beyond the fine-tuning of particular geographic boundaries the District Court granted to recognize local communities of interest. Instead, it would allow the BOC to provide a particular type of interLATA service” – and one which it will in any event be impossible administratively or technologically to confine.²⁴²

Second, perhaps most revealingly, the BOCs themselves make clear that this proposal is a non-starter and that they have no genuine interest in providing interLATA service in the targeted manner the Commission had in mind. U S WEST (p. 53) complains that the Commission’s proposals “would do little to speed the deployment of advanced services to underserved communities,” and Ameritech (pp. 3, 70) derides the Commission’s proposals as “useless” and “an empty gesture.” Instead, the BOCs seek to use the Commission’s suggestions for circumscribed interLATA relief as a springboard for their own extravagant proposals that

²⁴² Florida Digital Network, p. 6; see also Hyperion, p. 9; Transwire, p. 46.

expressly or implicitly attempt to revive the very “forbearance” theories the Commission has already rejected.²⁴³

For example, Ameritech proposes that the “interLATA prohibition [be] modified” so as to enable it “to provide interLATA transport within a state for data service provided to customers with multiple locations in that state,” as well as to cross LATA boundaries for purposes of providing other data services, as long as it demonstrates that it is complying with federal and state rules regarding the provision of unbundled loops and collocation and has established a separate affiliate in keeping with whatever separation requirements the Commission may adopt.²⁴⁴ This proposal for a “271-lite” procedure – grants of interLATA relief for data services based on requirements that ignore the competitive checklist, the facilities-based competitor requirement of Section 271(c)(1), and the other statutory requirements imposed by Section 271 – has nothing whatsoever to do with LATA boundary modifications, and is instead a request that the Commission amend Section 271. Such authority is plainly foreclosed by Section 271 itself and by Section 10(d). With exceptions not applicable here, Section 271(a) prohibits the BOCs from providing any interLATA service until all the requirements of Section 271 are satisfied, and Congress specifically provided that the Commission “may not, by rule or

²⁴³ Compare USTA, p. 12 (seeking forbearance from Section 271) with Memorandum Opinion and Order, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No.98-147, ¶¶ 69-78 (holding that the Commission lacks such authority).

²⁴⁴ See Ameritech, pp. 69, 71; see also Williams, pp. 12-14; Northpoint, pp. 39-40.

otherwise, limit or extend the terms used in the competitive checklist”²⁴⁵ or forbear from applying Section 271’s requirements until Section 271 is “fully implemented.”²⁴⁶

For the same reasons, Bell Atlantic’s proposals for broad relief to permit BOCs to provide transmission services for internet backbones without regard to geographic boundaries and to provide other interLATA services are likewise foreclosed by the Act.²⁴⁷ Indeed, Bell Atlantic unwittingly proves that very point. It presents a string cite of MFJ cases that, Bell Atlantic asserts, support the proposition that “[m]odifications of LATA boundaries were granted under the MFJ for specified purposes, particularly to make possible the speedier deployment of new telecommunications services or increased competition.”²⁴⁸ But contrary to Bell Atlantic’s misstatement, none of the decisions cited by Bell Atlantic involved boundary modifications at all; instead, they granted waivers of the interLATA restriction of the MFJ. And that is precisely the authority that Section 10(d) denies to the Commission.²⁴⁹

²⁴⁵ See 47 U.S.C. § 271(d)(4).

²⁴⁶ See 47 U.S.C. § 160(d).

²⁴⁷ See Bell Atlantic, pp. 5-8.

²⁴⁸ See *id.*, p. 5 n.2.

²⁴⁹ Bell Atlantic also engages in an extended discussion in which it claims that a BOC that provides interLATA information service using interLATA transmission services that it obtains from others and resells (as opposed to interLATA services it provisions itself) is not providing interLATA services under Section 271. Bell Atlantic, pp. 9-18. This claim is frivolous. The Commission rejected such claims by Bell Atlantic and other BOCs almost two years ago, and Bell Atlantic neither sought judicial review nor filed a timely petition for reconsideration. See Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, 11 FCC Rcd. 21905, 21932-21933, 21959-21961 (1996). Indeed, as the Commission noted (*id.* at (footnote continued on following page)

VII. THE COMMENTS CONFIRM THE COMMISSION'S TENTATIVE CONCLUSION THAT SECTION 251(C)(4) SUBJECTS ADVANCED SERVICES PROVIDED BY INCUMBENT LECs TO THE RESALE OBLIGATION.

A wide array of commenters supports the Commission's tentative conclusion that advanced telecommunications services are "telecommunications service[s] that the [incumbent LEC] provides at retail to subscribers who are not telecommunications carriers,"²⁵⁰ and are thus subject to the resale obligation.²⁵¹ As e.spire states, "the plain language of that section makes no other conclusion possible."²⁵²

The incumbent LECs advance two arguments in an effort to avoid this inevitable conclusion. First, they claim that advanced services are somehow "like" exchange access services, and, because the Commission held that exchange access services are not subject to Section 251(c)(4)'s resale obligation, it should similarly declare advanced services exempt.²⁵³

(footnote continued from previous page)

21962 n.266), the United States Court of Appeals for the D.C. Circuit has expressly rejected Bell Atlantic's proposed distinction between resale and ownership in a parallel context. See United States v. Western Elec. Co., 907 F.2d 160, 163 (D.C. Cir. 1990) ("We do not agree . . . that a distinction should be drawn between leasing lines, on the one hand, and acquiring or constructing them, on the other. A taxi company, for instance, offers taxi service for hire whether or not it owns or leases its cabs. The critical distinction under the decree is not whether the BOC owns the interexchange capacity, but whether it 'provide[s]' interexchange service to its customers.")

²⁵⁰ 47 U.S.C. § 251(c)(4).

²⁵¹ See, e.g., ALTS, pp. 67-68; CWI, p. 16; CIX, p. 30; CTSI, p. 12; ICG, p. 34; Intermedia, p. 60; IAC, p. 22; KMC, p. 25; MCI WorldCom, p. 87; Texas, p. 17; RCN, p. 22; Sprint, pp. 36-37; Supra, p. 12; TRA, pp. 44-47; Transwire, pp. 40-41; US Xchange, p. 12.

²⁵² See e.spire, pp. 47-48.

²⁵³ See, e.g., USTA, p. 8; Bell Atlantic, pp. 52-53; U S WEST, p. 5.

As McLeod USA Telecommunications Services explains (p. 7), however, this is an utter non-sequitur: “In the Local Competition Order, the Commission concluded that certain services were not subject to section 251(c)(4) because the vast majority of purchasers were telecommunications carriers, not because they were exchange access services. If a service is in fact generally offered at retail to subscribers who are not telecommunications carriers, then it must be offered for resale at a wholesale discount, regardless of whether it is an ‘access’ service or not.”²⁵⁴

And the incumbent LECs have made it abundantly clear that these advanced services are being offered predominantly to end-users and to ISPs, not to telecommunications carriers. Indeed, the essential premise of their rejected forbearance petitions was that these services were subject to the statutory resale obligation (otherwise no forbearance would have been necessary), and those petitions stated that these services would be marketed to end users.²⁵⁵

²⁵⁴ U S WEST claims that state commissions, and not this Commission, have the “ultimate responsibility to determine whether DSL service should be offered to competitors at a discount.” U S WEST, p. 15. That claim is baseless. Even the Eighth Circuit, which took a narrow view of the scope of the Commission’s authority under the Act, upheld the Commission’s authority to adopt rules that “define[] the overall scope of the incumbent LECs’ resale obligations.” Iowa Utils. Bd. v. FCC, 120 F.3d 753, 819 (8th Cir. 1997).

²⁵⁵ See, e.g., Petition of U S WEST Communications, Inc., For Relief From Barriers To Deployment Of Advanced Telecommunications Services, CC Docket No. 98-26 (Feb. 25, 1998), p. 3 (U S WEST seeks to provide “advanced data telecommunications and information services to ‘all Americans,’ including residential and small-business customers, and those in harder-to-reach smaller and rural communities”); Petition of Bell Atlantic Corporation for Relief from Barriers to Deployment of Advanced Telecommunications Services, CC Docket 98-11 (Jan. 26, 1998), p. 15 (Bell Atlantic “wants to expand the market for high-speed local access products like xDSL in the residential market”).

Similarly, the LECs' web sites make clear that they are offering these services "at retail to subscribers who are not telecommunications carriers."²⁵⁶

Second, some of the incumbent LECs claim that when ISPs purchase advanced services and use those services as part of an internet service they provide to their customers, the advanced services are not being provided to the ISP at "retail," but at "wholesale" and thus are not subject to Section 251(c)(4). That claim is erroneous. The fact that the customer of a product or service is a business that uses the product or service to construct its own product or service does not make its purchase a "wholesale" transaction. To the contrary, when a steel company sells steel to an automobile manufacturer, or an ink company sells ink to a newspaper, those are retail transactions.²⁵⁷ There is no basis for any different classification when LECs sell advanced services to ISPs.

²⁵⁶ See, e.g., <http://www.bell-atl.com.adsl> ("Tired of waiting for downloads? Want to get more from your PC? Tap into the Web's true potential and use it the way you want to. Your existing phone line becomes a dedicated high-speed connection that ends the hassle of dial up and busy signals. Experience video, audio, and enhanced graphics - all at speeds up to 240 times faster than your old 28.8 modem"); <http://www.pacbell.com/products/business/fastrak/adsl/index.html> ("*FasTrak* DSL - the fastest way to communicate from your home, home office or small business"); <http://www.ameritech.com/products/data/index.html> ("By the end of the century, 70% of the homes in the Great Lakes region will have access to the service"); <http://www.bellsouth.net/external/adsl> ("BellSouth.net FastAccessSM Service uses Asymmetric Digital Subscriber Line (ADSL) technology which provides high speed Internet access for your home or office using your existing copper telephone line - up to 50 times faster than traditional 28.8 modem speeds").

²⁵⁷ Courts have long recognized that a sale of a good or service by one firm to another firm may be a retail transaction even though the firm purchasing the good or service may use it to create another good or service that it sells to its own customers. See, e.g., *Durr Drug Co. v. Long*, 188 So. 873, 874 (Ala. 1939) ("In fact and law the inclusion of such costs of [medicine cartons, pills boxes and medicine bottles] in the price of the medicines sold is
(footnote continued on following page)

Moreover, incumbent LECs cannot transform a retail service – xDSL loop service – into a wholesale access service simply by bundling it with a packet switching service. There is no dispute that xDSL loop service is offered at retail. U S WEST, for example, recently tariffed its xDSL loop service for sale to retail customers.²⁵⁸ And the Commission has indicated that it may require the ILECs who have filed xDSL “access” tariffs to file retail xDSL loop tariffs with the relevant state commissions.²⁵⁹ The Commission should not, therefore, allow

(footnote continued from previous page)

not a resale, but is the method of passing the cost of such containers in the price to the customers of the retailer. . . . The use of the bottles by the wholesaler . . . makes it a consumer.”); Birmingham Paper Co. v. Curry, 190 So. 86 (Ala. 1939) (Sales to other manufacturers by a paper company of its boxes, cartons, and containers to other manufacturers who use those containers for packing their products is a retail transaction); Poer v. Curry, 8 So.2d 418 (Ala. 1942) (Sales of caps, crowns, and tops to a manufacturer of bottled soft drink manufacturer was a retail transaction); Sluis v. Nudelman, 34 N.E.2d 391, 392 (Ill. 1941) (The sale of fruit trees is a retail transaction even though the fruit trees may bear fruit that will be sold); id. (the sale of ink to a firm making letterheads is a retail transaction); id. (the purchase of seeds to a farmer who intends to plant the seeds and grow produce for sale is a retail transaction); In re H. D. Kampf, Inc., 38 F.Supp. 319 (S.D.N.Y., 1941) (the purchase of dyes for use in dyeing textiles is for consumption and not resale).

²⁵⁸ See, e.g., U S WEST Advanced Communication Services Tariff (Utah), effective September 2, 1997, Section 8, p. 1 (xDSL service).

²⁵⁹ See Bell Atlantic Telephone Companies, Tariff No. 1, Transmittal No. 1076, CC Docket No. 98-168, Order Suspending Tariff and Designating Issues for Investigation, (released September 15, 1998); BellSouth Telecommunications, Inc., BellSouth Tariff FCC No., BellSouth Transmittal No. 476, CC Docket No. 98-161, Order Suspending Tariff and Designating Issues for Investigation, (released September 1, 1998); GTE Telephone Operators, GTOC Tariff No. 1, GTOC Transmittal No. 1148, CC Docket No. 98-79, Order Designating Issues for Investigation, (released August 20, 1998); Pacific Bell Telephone Company, Pacific Bell Tariff FCC No. 128, Pacific Transmittal No. 1986, CC Docket No. 98-103, Order Designating Issues for Investigation, (released September 2, 1998).

ILECs to escape their resale obligation in this proceeding through an artificial bundling of its retail and access services.

VIII. THE POTENTIAL AVAILABILITY OF ADVANCED SERVICES TO RESIDENTIAL AND SMALL BUSINESS CUSTOMERS MAKES THE NEED FOR ACCESS CHARGE REFORM MORE PRESSING THAN EVER.

MGC Communications (pp. 46-56) also highlighted the need for access charge reform in order to remove the inefficient market distortions the current access charge regime creates. As the availability of advanced services spreads to residential and small business customers, the current proliferation of phone-to-phone IP services will accelerate. Phone-to-phone IP services offer customers dial-up access using traditional handsets to long distance services via private or public internet backbone facilities. Companies such as Qwest, IDT, and ICG, as well as AT&T with its "Connect 'n' Save" offering, are providing phone-to-phone IP services to more and more customers every day.²⁶⁰ The primary attraction of phone-to-phone IP services is that they permit service providers to avoid the inflated access charges currently assessed by incumbents. Those charges create an artificial incentive for carriers to deploy phone-to-phone IP service facilities.²⁶¹

²⁶⁰ See also "Calling all ISPs," *Wired News*, (October 9, 1998) ("ISPs, along with calling-card companies and smaller telcos, are pooling their network resources to make IP telephony services more widely available to consumers in the United States and around the world."); *id.* ("Now, AT&T . . . is getting into the act, becomes the first telco to set up a clearinghouse shop. . . . AT&T's Global Clearinghouse lets participating ISPs, telcos, or calling-card companies offer their customers low-cost, phone-to-phone or phone-to-PC calling in 140 cities in the United States, Asia, and Europe").

²⁶¹ At the same time, IP voice and data applications promise to bring an array of attractive new services to customers and represent the kind of expanded competition Congress
(footnote continued on following page)

Even more critical, however, is the need to reduce access charges to cost in order to stop the ILECs from garnering supracompetitive profits from their access charges -- excessive revenues that they obtain from their potential IXC competitors which keep those IXCs' retail prices artificially high and line the ILECs' pockets with cash to ready them for long distance entry. It defies logic to allow -- via regulatory fiat -- monopolists in one market to leverage their monopolies by requiring their future competitors to fund their entry into those competitors' markets. This amounts to nothing more than a tax on the customers of the competitive carriers, and an unconscionable subsidy to monopolists.

(footnote continued from previous page)

envisioned when it passed the Telecommunications Act. Phone-to-phone IP services should not be penalized through the imposition of bloated, subsidy-laden access charges. See MGC, p. 46. Only once the incumbents have convincingly demonstrated that access charges have fallen to efficient levels through competition or prescription for all users of access services should the Commission consider imposing the same cost-based access charges on phone-to-phone IP service providers.

CONCLUSION

For the aforementioned reasons, AT&T urges the Commission to adopt the recommendations set forth in these Reply Comments. First, the Commission should not adopt its separate affiliate proposal. If the Commission nevertheless does implement that proposal, it should strengthen significantly the requirements on the ILEC and its affiliate. Second, the Commission should adopt AT&T's proposed rules with regard to loops, OSS, collocation, unbundling and resale; and the Commission should not allow the BOCs to evade Section 271's requirements for interLATA BOC entry by adopting a policy of piecemeal interLATA relief. Finally, the Commission should accelerate the process of reducing currently bloated access charges to competitive levels so that entrants and incumbents alike will have the proper incentives when deploying new services such as phone-to-phone IP service.

Respectfully submitted,

AT&T CORP.

By *Ava B. Kleinman /smb*

Peter D. Keisler
David L. Lawson
Michael Doss
Daniel Meron
Scott M. Bohannon

Mark C. Rosenblum
Ava B. Kleinman
J. Manning Lee
James H. Bolin, Jr.

SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8000

Room 3252J1
295 North Maple Avenue
Basking Ridge, NJ 07920
(908) 221-8312

Attorneys for AT&T Corp.

October 16, 1998

APPENDIX: LIST OF COMMENTERS

Ad Hoc Telecommunications Users Committee ("Ad Hoc")
ADC Telecommunications Inc. ("ADC")
Allegiance Telecom, Inc. ("Allegiance")
Alliance For Public Technology ("APT")
America Online, Inc. ("AOL")
America's Carriers Telecommunication Association ("ACTA")
Ameritech
Association For Local Telecommunications Services ("ALTS")
AT&T Corp. ("AT&T")
Bell Atlantic Corporation ("Bell Atlantic")
BellSouth Corporation ("BellSouth")
Cable & Wireless, Inc. ("CWI")
Cablevision Lightpath, Inc. ("Cablevision")
People of the State of California and the Public Utilities Commission of the State of California
("California")
California Technology Assistance Program ("CTAP")
Central Texas Telephone Cooperative, Inc. ("CTTC")
Cincinnati Bell Telephone Company ("Cincinnati Bell")
Coalition Of Utah Independent Internet Service Providers ("Utah")
Commercial Internet Exchange Association ("CIX")
Communications Workers of America ("CWA")
Competition Policy Institute ("CPI")
Competitive Telecommunications Association ("CompTel")
Computer & Communications Industry Association ("CCIA")
Consumer Federation of America ("CFA")
Copper Mountain Networks
Cottonwood Communications
Covad Communications Company
CTSI, Inc.
e.spire Communications, Inc. ("e.spire")
Federal Trade Commission Staff Economists ("FTC Staff Economists")
First Regional Telecom, LLC and FirstWorld Communications, Inc. ("First Regional")
Florida Digital Network, Inc. ("Florida Digital Network")
Florida Public Service Commission ("Florida")
General Services Administration ("GSA")
GST Telecom Inc. ("GST")
GTE Service Corporation ("GTE")
GVNW, Inc./Management ("GVNW")
Hyperion Telecommunications, Inc. ("Hyperion")
ICG Telecom Group, Inc. ("ICG")
Illinois Commerce Commission ("Illinois")
Indiana Utility Regulatory Commission and the Technical Staff of the Public Service
Commission of Wisconsin ("Indiana and Wisconsin")

Information Technology Association of America ("ITAA")
Intermedia Communications Inc. ("Intermedia")
Internet Access Coalition ("IAC")
Internet Service Providers' Consortium ("ISP")
Keep America Connected, et al.
Kiesling Consulting LLC
KMC Telecom, Inc. ("KMC")
Level 3 Communications, Inc. ("Level 3")
MachOne Communications ("MachOne")
MCI WorldCom, Inc. ("MCI WorldCom")
McLeodUSA Telecommunications Services, Inc. ("McLeodUSA")
MGC Communications, Inc. ("MGC")
Mindspring Enterprises, Inc. ("Mindspring")
Minnesota Department of Public Service ("Minnesota")
Moultrie Independent Telephone Company ("Moultrie")
National Rural Telecom Association ("NRTA") and the Organization for the Promotion and
Advancement of Small Telephone Companies ("OPASTCO")
National Telephone Cooperative Association ("NTCA")
Network Access Solutions, Inc. ("NAS")
Network Plus, Inc. ("Network Plus")
New Networks Institute
New World Paradigm, Ltd. ("New World Paradigm")
New York State Department Of Public Service ("New York")
Nextlink Communications, Inc. ("Nextlink")
Northern Telecom, Inc. ("NorTel")
Northpoint Communications Inc. ("Northpoint")
OpTel, Inc. ("Optel")
Paging and Messaging Alliance of the Personal Communications Industry Association ("PMA")
Paging Network, Inc.
Paradyne Corporation ("Paradyne")
PSINet Inc. ("PSINet")
Qwest Communications Corporation ("Qwest")
RCN Telecom Services, Inc. ("RCN")
Rhythms NetConnections, Inc. ("Rhythms")
Rural Telecommunications Group
SBC Communications Inc. ("SBC")
Sprint Corporation ("Sprint")
Supra Telecommunications ("Supra")
Tandy Corporation ("Tandy")
TCA, Inc. ("TCA")
Technology Entrepreneurs Coalition ("TEC")
Telehub Network Services Corporation ("TNS")
Public Utility Commission of Texas ("Texas")
Telecommunications Resellers Association ("TRA")
Time Warner Telecom ("Time Warner")
Transwire Communications, Inc. ("Transwire")

Office of Advocacy of the United States Small Business Administration (“SBA”)
United States Telephone Association (“USTA”)
U S WEST Communications, Inc. (“U S WEST”)
US Xchange, LLC (“US Xchange”)
UTC
Virtual Hipster
Washington Association of Internet Service Providers (“WAISP”)
Westel, Inc. (“Westel”)
Williams Communications, Inc. (“Williams”)
xDSL Networks, Inc. (“xDSL Networks”)

CERTIFICATE OF SERVICE

I, Scott M. Bohannon, do hereby certify that on this 16th day of October, 1998, I caused a copy of the foregoing Reply Comments of AT&T Corp. to be served upon each of the parties listed on the attached Service List by U.S. First Class mail, postage prepaid.

A handwritten signature in cursive script, reading "Scott Bohannon", written over a horizontal line.

Scott M. Bohannon

SERVICE LIST

James S. Blaszak
Kevin S. DiLallo
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, N.W., Suite 900
Washington, DC 20036
Counsel for Ad Hoc Telecommunications
Users Committee

Lee Selwyn, Ph.D.
Joseph Laszlo
Economics and Technology, Inc.
One Washington Mall
Boston, MA 02108-2617

David F. Fisher
ADC Telecommunications, Inc.
PO Box 1101
Minneapolis, MN 55440-1101

Robert W. McCausland
Allegiance Telecom, Inc.
1950 Stemmons Freeway
Suite 3026
Dallas, TX 75207-3118

Maureen A. Lewis
Henry Geller
Donald Vial
Alliance for Public Technology
901 15th Street, N.W., Suite 230
Washington, DC 20038-7146

George Vradenburg, III
William W. Burrington
Jill A. Lesser
Steven N. Teplitz
America Online, Inc.
1101 Connecticut Ave., N.W.
Suite 400
Washington, DC 20036

Robert M. McDowell
America's Carriers
Telecommunication Association
8180 Greensboro Drive
Suite 700
McLean, VA 22102

John T. Lenahan
Frank Michael Panek
Christopher M. Heimann
Michael S. Pabian
Larry A. Peck
Gary L. Phillips
Ameritech
2000 W. Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196

Richard J. Metzger
Emily M. Williams
Association for Local Telecommunications
Services
888 17th Street, N.W., Suite 900
Washington, DC 20006

James G. Pachulski
Lawrence W. Katz
Robert H. Griffen
John S. Cullina
Bell Atlantic
1320 North Court House Road
Eighth Floor
Arlington, VA 22201

M. Robert Sutherland
Michael A. Tanner
Stephen L. Earnest
BellSouth Corporation
1155 Peachtree St., N.E.
Suite 1700
Atlanta, GA 30309

Gary M. Epstein
James H. Barker
Karen Brinkmann
Nandan M. Joshi
BellSouth Corporation
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, DC 20004-2505

Rachel J. Rothstein
CWI, Inc.
8219 Leesburg Pike
Vienna, VA 22182

Danny E. Adams
Rebekah J. Kinnett
Kelley Drye & Warren, LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
Attorneys for CWI, Inc.

David Ellen
Cablevision Lightpath, Inc.
One Media Crossways
Woodbury, NY 11797

Chérie R. Kiser
Gil M. Strobel
Yaron Dori
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Ave., N.W.
Washington, DC 20004-2608

Peter Arth, Jr.
Lionel B. Wilson
Mary Mack Adu
505 Van Ness Ave.
San Francisco, CA 94102
Attorneys for the California Public Utilities
Commission

Caressa D. Bennet
Michael R. Bennet
Bennet & Bennet, PLLC
1019 Nineteenth Street, N.W.
Suite 500
Washington, DC 20036
Attorneys for Central Texas Telephone
Cooperative, Inc.

Douglas E. Hart
Frost & Jacobs LLP
2500 PNC Center
201 East Fifth Street
Cincinnati, OH 45202
Attorney for Cincinnati Bell
Telephone Company

Donald Weightman
510 C Street, N.E.
Washington, DC 20002
Counsel for Coalition of Utah Independent
Internet Service Providers

William J. Evans
Parsons Behle & Latimer
One Utah Center
201 South Main Street
Suite 1800
PO Box 45898
Salt Lake City, UT 84145-45898
Counsel for Coalition of Utah Independent
Internet Service Providers

Robert D. Collet
Barbara A. Dooley
Commercial Internet eXchange Association
1041 Sterling Road, Suite 104A
Herndon, VA 20170

Ronald L. Plessner
Mark J. O'Connor
Stuart P. Ingis
Piper & Marbury L.L.P.
Seventh Floor
1200 19th Street, N.W.
Washington, DC 20036
Attorneys for Commercial Internet
eXchange Association

George Kohl
Debbie Goldman
Communications Workers of America
501 Third St., N.W.
Washington, DC 20001

Ronald Binz
Debra Berlyn
John Windhausen, Jr.
Competition Policy Institute
1156 15th Street, N.W., Suite 520
Washington, DC 20005

Genevieve Morelli
The Competitive
Telecommunications Association
1900 M Street, N.W., Suite 800
Washington, DC 20036

Robert J. Aamoth
Steven A. Augustino
Melissa M. Smith
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
Attorneys for CompTel

Stephen I. Jacobs
CCIA
666 Eleventh Street, N.W.
Suite 600
Washington, DC 20001

Richard D. Marks
Megan H. Troy
Vinson & Elkins, L.L.P.
1455 Pennsylvania Ave., N.W.
Washington, DC 20004
Counsel for Computer & Communications
Industry Association

John Reister
Copper Mountain Networks, Inc.
2470 Embarcadero Way
Palo Alto, CA 94303

Richard N. Dahlgren
Cottonwood Communications
PO Box 451037
Omaha, NE 68145-5037

Thomas M. Koutsky
James D. Earl
Covad Communications Company
6849 Old Dominion Drive
Suite 220
McLean, VA 22101

Russell Blau
Pamela Arluk
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Attorneys for CTSI, Inc.

Riley M. Murphy
Charles H. N. Kallenbach
James C. Falvey
e.spire Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, MD 20701

Brad E. Mutschelknaus
John J. Heitmann
Kelly Drye & Warren LLP
1200 19th Street, N.W.
Fifth Floor
Washington, DC 20036
Attorneys for e.spire
Communications, Inc.

Jonathan B. Baker
Susan P. Braman
Bureau of Economics
Federal Trade Commission
6th Street & Pennsylvania Ave., N.W.
Washington, DC 20580

Kevin Timpane
Esther H. Rosenthal
FirstWorld Communications, Inc.
9333 Genesee Avenue
San Diego, CA 92121

Michael D. Specht
First Regional Telecom, LLC
2814 Upton Street, N.W.
Washington, DC 20008

Glenn B. Manishin
Frank V. Paganelli
Colin M. Alberts
Lisa Anderson
Blumenfeld & Cohen -
Technology Law Group
1615 M Street, N.W., Suite 700
Washington, DC 20036
Counsel for First Regional Telecom, LLC
and FirstWorld Communications, Inc.

Dana Frix
Robert V. Zener
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for Florida Digital Network, Inc.
Cynthia B. Miller
Florida Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Emily C. Hewitt
George N. Barclay
Michael J. Ettner
General Services Administration
1800 F Street, N.W., Room 4002
Washington, DC 20405

Snavely King Majoros
O'Connor & Lee, Inc.
1220 L Street, N.W., Suite 410
Washington, DC 20005
Economic Consultants to the General
Services Administration

Barry Pineles
GST Telecom Inc.
4001 Main Street
Vancouver, WA 98663

Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, DC 20036

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
Irving, TX 75038

R. Michael Senkowski
Jeffrey S. Linder
Timothy Simeone
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
Attorneys for GTE Service Corporation

Jeffrey H. Smith
John B. Pendleton
GVNW Inc./Management
8050 S.W. Warm Springs St., Suite 200
Tualatin, OR 97062

Dana Frix
Robert V. Zener
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for Hyperion Telecommunications,
Inc.

Janet S. Livengood
Hyperion Telecommunications, Inc.
DDI Plaza Two
500 Thomas Street, Suite 400
Bridgeville, PA 15017-2838

Cindy Z. Schonhaut
ICG Communications, Inc.
161 Inverness Drive West
Englewood, CO 80112

Albert H. Kramer
Michael Carowitz
Jacob S. Farber
Dickstein Shapiro Morin & Oshinsky
2101 L Street, N.W.
Washington, DC 20037
Attorneys for ICG Telecom Group, Inc.

Myra L. Karegianes
Sarah Naumer
Illinois Commerce Commission
160 North LaSalle St.
Suite C-800
Chicago, IL 60601-3104

Sandy Ibaugh
Telecommunications Division
Indiana Utility Regulatory Commission
302 W. Washington St., Rm. E306
Indianapolis, IN 46204
Scot Cullen

Telecommunications Division
Public Service Commission of Wisconsin
PO Box 7854
Madison, WI 53707-7854

Jonathan Jacob Nadler
Brian J. McHugh
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
Box 407
Washington, DC 20044
Counsel for the Information Technology
Association of America

Jonathan E. Canis
Ross A. Buntrock
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Fifth Floor
Washington, DC 20036
Counsel for Intermedia
Communications Inc.

Colleen Boothby
Kevin DiLallo
Valerie Yates
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, N.W., Suite 900
Washington, DC 20036
Counsel for Internet Access Coalition

Kathryn A. Kleiman
Internet Matters
PO Box 25876
Alexandra, VA 22313

Mitchell Lazarus
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209
Counsel for The Internet Service Providers'
Consortium

Angela Ledford
Keep America Connected, et al.
PO Box 27911
Washington, DC 20005

Michael L. Theis
Kiesling Consulting LLC
6401 Odana Road
Madison, WI 53719-1155

Russell Blau
Patrick Donovan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for KMC Telecom Inc.

Terrence J. Ferguson
Level 3 Communications, Inc.
3555 Farnam Street
Omaha, NE 68131

Glenn B. Manishin
Stephen P. Bowen
Christine A. Mailloux
Blumenfeld & Cohen -
Technology Law Group
1615 M Street, N.W., Suite 700
Washington, DC 20036
Attorneys for MachOne Communications,
Inc.

Kecia Boney
R. Dale Dixon, Jr.
Lisa B. Smith
MCI WorldCom, Inc.
1801 Pennsylvania Avenue, N.W.
Washington, DC 20006

Kevin Sievert
Glen Grochowski
Local Network Technology
400 International Parkway
Richardson, TX 75081

Catherine R. Sloan
David N. Porter
Richard L. Fruchterman, III
Richard S. Whitt
MCI WorldCom, Inc.
1120 Connecticut Avenue, N.W.
Suite 400
Washington, DC 20036

Anthony C. Epstein
Mark Schneider
Jeffrey I. Ryen
Jenner & Block
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, DC 20005
Counsel for MCI WorldCom

David R. Conn
William A. Haas
Richard S. Lipman
McLeod USA Telecommunications
Services, Inc.
6400 C Street, S.W.
PO Box 3177
Cedar Rapids, IA 52406-3177

Russell M. Blau
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for McLeod USA
Telecommunications Services, Inc.

Kent F. Heyman
Richard E. Heatter
Scott A. Sarem
MGC Communications, Inc.
3301 N. Buffalo Drive
Las Vegas, NV 89129

Jonathan E. Canis
Erin M. Reilly
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
Counsel for MGC Communications, Inc.

Charles M. Brewer
MindSpring Enterprises, Inc.
1430 West Peachtree Street
Suite 400
Atlanta, GA 30309

Jeannie Su
Minnesota Dept. of Public Service
Suite 1200 NCL Tower
445 Minnesota Street
St. Paul, MN 55101-2130

David A. Irwin
Tara S. Becht
Nathaniel J. Hardy
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Suite 200
Washington, DC 20036-3101
Counsel for Moultrie Independent
Telephone Company

Margot Smiley Humphrey
Koteen & Naftalin, LLP
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036
Counsel for NRTA

Stuart Polikoff
Stephen Pastorkovich
OPASTCO
21 Dupont Circle, N.W.
Suite 700
Washington, DC 20036

L. Marie Guillory
Jill Canfield
National Telephone Cooperative
Association
2626 Pennsylvania Avenue, N.W.
Washington, DC 20037

Rodney L. Joyce
J. Thomas Nolan
Shook, Hardy & Bacon
1850 K Street, N.W.
Washington, DC 20004
Attorneys for Network Access
Solutions, Inc.

Andrew D. Lipman
Tamar E. Finn
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for Network Plus, Inc.

Bruce Kushnick
New Networks Institute
826 Broadway, Suite 900
New York, NY 10003

Stephen N. Brown
New World Paradigm, Ltd.
401 12th Street South, Suite 1421
Arlington, VA 22202

Lawrence G. Malone
Cheryl Callahan
State of New York
Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Howard J. Symons
Michelle M. Mundt
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004
Attorneys for Nextlink
Communications, Inc.

R. Gerard Salemme
Daniel Gonzalez
Nextlink Communications, Inc.
1730 Rhode Island Avenue, N.W.
Suite 1000
Washington, DC 20036

Stephen L. Goodman
Halprin, Temple, Goodman & Sugrue
1100 New York Avenue, N.W.
Suite 650, East Tower
Washington, DC 20005
Counsel for Northern Telecom Inc.

John G. Lamb, Jr.
Northern Telecom Inc.
2100 Lakeside Boulevard
Richardson, TX 75081-1599

Steven Gorosh
NorthPoint Communications, Inc.
222 Sutter Street, Suite 700
San Francisco, CA 94108

Ruth Milkman
Daniel Segal
The Lawler Group
7316 Wisconsin Avenue, Suite 400
Bethesda, MD 20814
(NorthPoint Communications, Inc.)

Henry Goldberg
W. Kenneth Ferree
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, DC 20036
Attorneys for OpTel, Inc.

Michael E. Katzenstein
OpTel, Inc.
1111 W. Mockingbird Lane
Dallas, TX 75247

Robert L. Hoggarth
Paging and Messaging Alliance of the
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Judith St. Ledger-Roty
John J. Heitmann
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
Attorneys for Paging Network, Inc.

Scott Blake Harris
Kent D. Bressie
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Suite 1200
Washington, DC 20036-2560
Counsel for Paradyne Corporation

James L. Slattery
Peter J. Walsh, N.C.E.
Paradyne Corporation
PO Box 2826
Largo, FL 33779-28226

Ronald L. Plesser
Mark J. O'Connor
Susan B. Ross
Piper & Marbury L.L.P.
Seventh Floor
1200 19th Street, N.W.
Washington, DC 20036
Attorneys for PSINet Inc.

Joseph T. Garrity
Qwest Communications Corporation
555 17th Street
Denver, CO 80202

Earl W. Comstock
Sher & Blackwell
Suite 900
1850 M Street, N.W.
Washington, DC 20036
Counsel for Qwest Communications
Corporation

Peter A. Rohrbach
Linda L. Oliver
Hogan & Hartson, L.L.P.
Columbia Square
555 Thirteenth Street, N.W.
Washington, DC 20004
Counsel for Qwest Communications
Corporation

Joseph Kahl
RCN Telecom Services, Inc.
105 Carnegie Center, 2nd Floor
Princeton, NJ 08504

Russell Blau
Pamela Arluk
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Attorneys for RCN Telecom
Services, Inc.

Jeffrey Blumenfeld
Frank V. Paganelli
Colin M. Alberts
Lisa Anderson
Blumenfeld & Cohen -
Technology Law Group
1615 M Street, N.W., Suite 700
Washington, DC 20036
Counsel for Rhythms NetConnections, Inc.

Caressa D. Bennet
Gregory W. Whiteaker
Bennet & Bennet, PLLC
1019 Nineteenth Street, N.W.
Suite 500
Washington, DC 20036
Attorneys for Rural
Telecommunications Group

James D. Ellis
Robert M. Lynch
Durward D. Dupre
Darryl W. Howard
SBC Communications Inc.
One Bell Plaza, Room 3703
Dallas, TX 75202

Leon M. Kestenbaum
Jay C. Keithley
H. Richard Juhnke
Sprint Corporation
1850 M Street, N.W., 11th Floor
Washington, DC 20036

Mark Buechele
Supra Telecommunications
& Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133

Ronald L. Parrish
Tandy Corporation
100 Throckmorton Street
Suite 1800
Fort Worth, TX 76102

Lawrence J. Spiwak

Technology Entrepreneurs Coalition
5335 Wisconsin Avenue, N.W.
Suite 440
Washington, DC 20015

Chris Barron
TCA, Inc. - Telcom
Consulting Associates
1465 Kelly Johnson Blvd., Suite 200
Colorado Springs, CO 80920

Russell M. Blau
Patrick Donovan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for TeleHub Network Services
Corporation

Pat Wood, III
Judy Walsh
Public Utility Commission of Texas
1701 N. Congress Ave.
Austin, TX 78711

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1620 I Street, N.W.
Suite 701
Washington, DC 20006
Attorneys for Telecommunications Resellers
Association

Brian Conboy
Thomas Jones
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20036
Attorneys for Time Warner Cable

Randall B. Lowe
Julie A. Kaminski
Renée Roland Crittendon
J. Todd Metcalf
Piper & Marbury, L.L.P.
1200 Nineteenth Street, N.W.
Washington, DC 20036
Attorneys for Transwire Communications,
Inc.

Jere W. Glover
S. Jenell Trigg
Eric E. Menge
Office of Advocacy
U.S. Small Business Administration
409 Third Street, S.W.
Suite 7800
Washington, DC 20416

Lawrence E. Sarjeant
Linda Kent
Keith Townsend
John Hunter
United States Telephone Association
1401 H Street, N.W.
Suite 600
Washington, DC 20005

William T. Lake
John H. Harwood II
Lynn R. Charytan
Jonathan J. Frankel
Matthew A. Brill
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037-1420
Attorneys for US West
Communications, Inc.

Robert B. McKenna
Jeffry A. Brueggeman
Dan L. Poole
U S West, Inc.
1020 19th Street, N.W.
Suite 700
Washington, DC 20036

Dana Frix
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116
Counsel for US Xchange, LLC

Jeffrey L. Sheldon
Thomas E. Goode
UTC
1140 Connecticut Ave., N.W.
Suite 1140
Washington, DC 20036

Shad Nygren
Virtual Hipster Corporation
149 Industrial Way
Fallon, NV 89406

Steven E. Tackes
Crowell, Susich, Owen & Tackes, Ltd.
PO Box 1091
Fallon, NV 89407
Attorney for Virtual Hipster Corporation

Gary Robert Gardner
Washington Association of Internet Service
Providers
9445 37th Ave., S.W.
Seattle, WA 98126

Robert J. Aamoth
Steven A. Augustino
Melissa M. Smith
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
Attorneys for Westel, Inc.

Gwen Rowling
Westel, Inc.
111 Congress Ave., #600
Austin, TX 78701

Mickey S. Moon
Williams Communications, Inc.
One Williams Center, RC-3
Tulsa, OK 74172

Joseph W. Miller
Williams Communications, Inc.
4100 One Williams Center
Tulsa, OK 74172

Ronald J. Jarvis
Tamar E. Finn
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
Counsel for xDSL Networks, Inc.