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

Common Carrier Bureau
Network Service Division
Office of the Chief

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Part 68 of the)
Commission's Rules)
)

CC Docket No. 96-28
File No. NSD-L-99-13

CC DOCKET: 96-28

COMMENTS

BellSouth Corporation, on behalf of its affiliated companies, submits these comments to the Public Notice released in this docket on February 17, 1999.¹

In the 1997 *Harmonization Order*² the Commission determined that there is no benefit to requiring the re-registration of equipment already in use and shown not to cause harm to the network.³ The Commission went on to adopt a grandfathering provision, noting at the same time that the vast majority of equipment covered by the grandfathering rule will be phased out of production and replaced by models that will be subject to the new rules.⁴ In its recent Public Notice, the Common Carrier Bureau (the "Bureau") states that after receiving "numerous queries from manufacturers, we find that clarification of [the grandfathering provisions of 47 C.F.R. § 68.2(j)(3)] may be necessary."⁵

¹ *Common Carrier Bureau Seeks Comment on Compliance Deadline for Harmonization Regulations*, Public Notice, DA 99-342, File No. NSD-L-99-13 ("Public Notice").

² Amendment of Part 68 of the Commission's Rules, *Report and Order*, 12 FCC Rcd 19218 (1997), *Errata*, DA 98-277 (rel. Feb. 12, 1998) ("Harmonization Order").

³ 12 FCC Rcd at 19224.

⁴ *Id.* at n.23.

⁵ Public Notice at 1. Specifically, the Bureau seeks comment on whether it "should clarify 47 C.F.R. § 68.(j)(3) as requiring re-registration of previously registered equipment after May 19, 1999."

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Because the Bureau does not describe the nature of the “numerous queries from manufacturers,” it is difficult to ascertain why clarification is necessary. BellSouth, however, opposes any clarification or modification the effect of which would be to extend the compliance date for certain Part 68 requirements. The Commission has allowed terminal equipment manufacturers more than 18 months to deplete existing inventories pursuant to the grandfathering provisions adopted in the *Harmonization Order*. Compliance with measures adopted in the *Harmonization Order* cannot be further delayed without harming the public interest.

An example of the necessity for immediate manufacturer compliance with the Commission’s harmonized Part 68 rules is the situation addressed by the regulations added by the *Harmonization Order* with respect to Telephone Line Surges.⁶ The failure of network terminal equipment to properly respond to lightning surges, which the FCC’s Type B requirements appropriately address, has resulted in, and continues to generate, significant network problems. Hundreds of thousands of customer network complaints have been received due to the failure of customers’ terminal equipment to properly respond to lightning surges. Local exchange carriers are exposed to substantial expense arising out of trouble calls occasioned by customers whose non-compliant, grandfathered terminal equipment is damaged by lightning. Thus, any clarification of the grandfathering provision that would arguably operate to extend the compliance date with Type B Telephone Line Surge requirements and therefore permit the continued installation of non-complaint terminal equipment would not be in the public interest.

⁶ 12 FCC Rcd at 19237-39.

CONCLUSION

To the extent any clarification is necessary, the text of current 47 C.F.R. § 68.2(j)(3) can be simplified in a manner consistent with the *Harmonization Order* as follows:

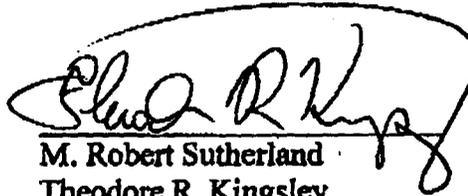
(j)(3) Terminal equipment including premises wiring and protective apparatus (if any) registered and installed prior to May 19, 1999 may remain connected and be reconnected for life without registration, unless subsequently modified. All terminal equipment including premises wiring and protective apparatus (if any) installed on or after May 19, 1999 must conform in all respects to Part 68 of the Commission's Rules.

The Bureau must not "extend" any of the grandfather provisions.

Respectfully Submitted,

BELLSOUTH CORPORATION

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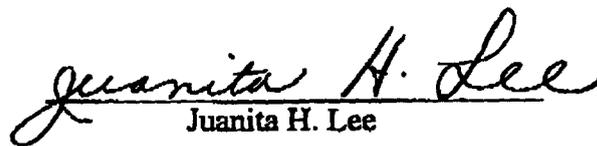
CERTIFICATE OF SERVICE

I do hereby certify that I have this 5th day of March 1999 served the following parties to this action with a copy of the foregoing COMMENTS by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed below.

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*** VIA HAND DELIVERY**