

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



GENERAL COUNSEL
ROBERT D. VANDIVER
(850) 413-6248

Public Service Commission

May 25, 1999

BY AIRBORNE EXPRESS

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th, SW - TW-A325
Washington, DC 20554

RECEIVED
MAY 26 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 96-98 - Implementation of the Local Competition Provisions of the Telecommunications Act of 1996.

Dear Ms. Salas:

Enclosed please find the original and 13 copies of the Florida Public Service Commission Comments to the Second Further Notice of Proposed Rulemaking. Please date stamp and return one copy in the enclosed self-addressed envelope.

Sincerely,

Cynthia B. Miller
Senior Attorney

CBM:jmb

cc: Brad Ramsay
Ms. Janice Myles, Common Carrier Bureau
International Transcription Service

No. of Copies rec'd
List ABCDE

2413

RECEIVED

MAY 26 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of:)
)
Implementation of the Local)
Competition Provisions of the) CC Docket No. 96-98
Telecommunications Act of 1996.)
_____)

**COMMENTS OF THE
FLORIDA PUBLIC SERVICE COMMISSION
TO SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

On January 25, 1999, the United States Supreme Court vacated section 51.319 of the FCC's rules (rule 319) and remanded the matter to the FCC for further action.¹ Rule 319 provided a list of the unbundled network elements that must be made available to competitive local exchange carriers (CLECs) by incumbent local exchange carriers (ILECs). The Court found that the FCC's legal analysis was inadequate to support its list, and further wrote:

The Commission's [FCC's] premise was wrong. Section 251(d)(2) does not authorize the Commission to create isolated exemptions from some underlying duty to make all network elements available. It requires the Commission to determine on a rational basis *which* [emphasis in original] network elements must be made available, taking into account the objectives of the Act and giving some substance to the "necessary" and "impair" requirements. The latter is not achieved by disregarding entirely the availability of elements

¹ AT&T Corp., et al. v. Iowa Utils. Bd. et al., 119 S.Ct. 721 (1999).

outside the network, and by reading any [emphasis in original] "increased cost or decreased service quality" as establishing a "necessity" and an "impair[ment]" of the ability to "provide . . . services."²

On April 16, 1999, the FCC issued a Second Further Notice of Proposed Rulemaking (Second FNPRM) to obtain input from interested parties on how the FCC, in light of the Supreme Court ruling, should interpret the standards set forth in section 252(d)(2), and which specific network elements the incumbent local exchange carriers (ILECs) should be required to unbundle under section 251(c)(3).

(1) **The FCC Lacks Appellate Authority Over State Decisions**

The FCC requested comments on what circumstances, if any, it should review state decisions. (¶ 14, 38)

The Florida Public Service Commission (FPSC) believes that the FCC lacks authority to review state commission decisions except where the Act clearly provides that authority.³ The FCC certainly cites no statutory authority for such appellate

² Slip Opinion at 24.

³ We do acknowledge that section 253 of the 1996 Telecommunications Act authorizes the FCC to review and preempt, after an opportunity for hearing, state requirements that may prohibit the ability of any entity to provide telecommunications service.

jurisdiction. No amount of deference can substitute for Congressional authority for such an arrogation of power.

The provision for judicial review of state commission decisions is found at 47 USC 252(e)(6). This subsection reads:

". . . In any case in which a State commission makes a determination under this section, any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements of Section 251 and this section."

See also 47 U.S.C. 252(e)(4), precluding state court review of such cases.

The Court decisions construing the Act have been consistent in giving effect to the plain statutory language. In Michigan Bell Tel. Co. v. MFS Intelenet of Mich., 16 F. Supp. 2d 819, 823-824, (W.D. Mich. 1998), the Court stated that "Congress has created a unique framework which, while inviting State commissions to arbitrate and approve interconnection agreements, retains exclusive jurisdiction within the federal courts to ensure federal requirements." (emphasis supplied). Accord U.S. West Telecommunications v. Hix, 986 F. Supp. 14, 17 (D. Colorado 1997); U.S. West Communications v. TCG Seattle, 971 F. Supp. 1365, 1370 (W.D. Washington 1997). "The Telecommunications Act, on the other hand, expressly states that state commission action

is reviewable in federal court and nowhere else. (emphasis supplied) Id. at 1370.

These district court decisions are also supported by appellate decisions. The Seventh Circuit Court of Appeals, in MCI Telecommunications Corp. v. Illinois Commerce Commission, 168 F. 3d 315, 322 (7th Cir. 1999) stated that "the structure of the pertinent section of the statute, notably 47 U.S.C. 252, makes clear that Congress intended to provide for federal court review of any regulatory determination under the section." Accord Illinois Bell Telephone Co. v. WorldCom Technologies, Inc., 157 F. 3d 500, 501 (7th Cir. 1998). The Eighth Circuit Court of Appeals reached the same result in Iowa Utilities Bd. v. FCC, 120 F. 3d 753, 802.⁴

The plain statutory language, when coupled with clear precedent cited above, totally precludes the FCC from bootstrapping its rulemaking authority into an appellate mechanism for state decisions. The Telecommunications Act of 1996 is a very detailed statute. Had Congress intended the FCC to be in an appellate role over state decisions, it could have

⁴ This decision was vacated on ripeness grounds by the U.S. Supreme Court. Slip opinion at p. 18.

enacted legislation. Congress failed to give this authority, and thus the FCC is precluded from exercise of that authority.

(2) **Nationwide Standard Minimum Set of UNEs and Geographic Variation of UNEs Outside the Incumbent's Network (§ 14, 32-34, and 40-41)**

The FPSC commends Commissioners Michael Powell and Harold Furchtgott-Roth for expressing their concerns about prejudging the issues involved, particularly the FCC's tentative conclusion, at paragraph 14, that a single, national set of unbundled network elements (UNEs) is appropriate, before addressing the Supreme Court's requirement that the FCC consider the availability of UNEs from providers other than the incumbent local exchange carriers. We believe that serious consideration of which UNEs are available from non-ILEC providers will bear out that establishing a single, national set of UNEs would be ill advised.

The FCC asks for comment on whether the "existence of geographic variations in the availability of elements outside the incumbent LEC's network is relevant to a decision to impose minimum national unbundling requirements." (§ 14) The FPSC believes that the availability of UNEs from providers other than ILECs is likely to vary considerably both within a state as well as among states. In Florida, for example, competitors appear to have focused their attention on the most urban areas, e.g., Miami

or Jacksonville, rather than on the smaller cities and rural towns. It is far more likely that alternatives to the serving incumbent's UNEs would be available in Miami or Jacksonville as compared to Destin. In addition, there are certain UNEs, such as operator services and directory service, for which there may already be one or more competitors to the ILECs in most locations.

To comply with the Supreme Court's directive, an impairment analysis must take into consideration whether viable facilities-based providers of network functionalities and components, other than the incumbent LECs, exist in a specific geographic locale. Of necessity such determinations are highly fact-intensive and thus are more suitable for a state commission to conduct. Moreover, without the results of state evaluations of the availability of UNEs from alternative providers, it is unlikely that a FCC-prescribed minimum list of UNEs required to be provided by ILECs could satisfy the Supreme Court's mandate.

As a way out of the apparent contradiction between a national list of UNEs and consideration of local alternative providers' UNE offerings, the FPSC proposes instead that the FCC consider that each of the network elements set forth in the competitive checklist of section 271(c)(2)(B) must be provided by

incumbent LECs, but treat each of these requirements as a rebuttable presumption. Section 271(c)(2)(B)'s competitive checklist includes interconnection, access to network elements, access to poles, ducts, conduits, and rights-of-way, local loop transmission, local transport, local switching, access to 911 and E911 services, directory assistance, operator call completion services, and access to databases and associated signaling necessary for call routing and completion.

This approach has at least four advantages. First, it is consistent with section 251(d)(3), which gives the states flexibility in establishing access and interconnection obligations of local exchange carriers. Second, such a list provides state commissions, ILECs and CLECs with a guide for negotiations and arbitrations. Third, it allows for a state commission not to require an ILEC to provide a given element in all instances and geographic areas, if it can be shown that adequate alternative sources exist. Fourth, it largely resolves the issue, noted in Paragraph 41, of having two conflicting lists of UNEs.

The FCC asks whether there should be a "sunset" provision. (§ 40) The FPSC believes that using section 271(c)(2)(B)'s competitive checklist as the basis for a national UNE list

provides sufficient flexibility such that a sunset provision is unnecessary. However, if the FCC orders a national list of mandatory UNEs, the FPSC recommends that the FCC include a sunset provision of two years from the date of the order. The availability of UNEs from sources other than ILECs is sure to grow, as is technology. It would not be surprising if, on the day of the FCC's order, the list were to become obsolete. Therefore, the FPSC believes a two-year sunset provision is reasonable if the FCC orders a national list of mandatory UNEs.

The FCC also seeks comment on whether it should require subloop unbundling at the remote terminal or at other points within an ILEC's network and whether dark fiber is an unbundled network element. (§ 33-34) The FPSC believes that whether subloop bundling should be required should be determined on a case by case basis, with an analysis of any alternative means for a CLEC to provide service. Such analysis of the impair and necessary standards should consider both definitions of "means," that is, whether there is another provider, and whether there is another possible way to provide the service. With regard to dark fiber, we do not think that it is necessary for the FCC to deem dark fiber a UNE. Dark fiber is a physical item, not a functionality, in contrast to the items in 271(c)(2)(B)'s

competitive checklist. Dark fiber is simply another way to provide loops and loop transmission.

(3) **Differences in Cost Between an ILEC's UNEs and an Alternative Provider's UNEs**

The FCC asks whether, and to what extent, differences in cost between obtaining a UNE from an ILEC and an alternative source should be considered. (§ 9, 25) Again, the FPSC believes that an overly prescriptive approach can create more problems than it solves. For example, consider CLEC A, flush with money, and CLEC B, with sufficient financial resources but a poor cousin, relatively speaking, compared to CLEC A. Even where both CLECs are purchasing the same elements, with the same cost differential between the ILEC and an alternative provider, the cost differential may be immaterial for CLEC A, but may well be material for CLEC B. In another example, suppose that there is a 10 percent differential between an ILEC's rate for a particular UNE and the alternative provider's rate. Intuitively, it would appear that a percentage criteria is difficult to apply because what may really make a difference is the absolute dollar amount represented by 10 percent, e.g., 10 percent of a \$1 may be less material than 10 percent of \$10. However, the quantity of the UNEs also matters, e.g., 100 units of the \$1 UNE will yield a greater absolute dollar differential than 5 units of the \$10 UNE.

Prescriptive rules will not permit the flexibility that is essential in any analysis or study of cost differentials; therefore, we suggest that the FCC provide guidelines for the analysis of cost differentials.

(4) **Impairment - Lack of Collocation Space**

The FCC seeks comment on whether a CLEC might be "impaired" in a particular area if the ILEC's serving central office has no additional collocation space available. (¶ 17) Because any analysis of potential impairment is likely to be heavily fact-intensive, with many variables, we suggest that the FCC consider providing guidelines rather than a "standard." Guidelines will provide the state commissions with flexibility rather than new regulatory burdens. In addition, use of section 271(c)(2)(B)'s competitive checklist with each requirement as a rebuttable presumption, would allow state commissions to decide this question based on the facts of a particular situation.

(5) **Summary**

In summary:

- The FPSC believes that the FCC lacks authority to review state commission decisions except where the Act clearly provides that authority.

Florida Public Service Commission Comments
CC Docket No. 96-98

- The FPSC proposes that the FCC consider that each of the network elements set forth in the competitive checklist of section 271(c)(2)(B) must be provided by incumbent LECs, but treat each of these requirements as a rebuttable presumption.
- The FPSC believes that using section 271(c)(2)(B)'s competitive checklist as the basis for a national UNE list provides sufficient flexibility such that a sunset provision is unnecessary. However, if the FCC orders a national list of mandatory UNEs, the FPSC recommends that the FCC include a sunset provision of two years from the date of the order.
- The FPSC believes that whether subloop bundling should be required should be determined on a case by case basis, with an analysis of any alternative means for a CLEC to provide service.
- The FPSC does not think that it is necessary for the FCC to deem dark fiber a UNE.
- In regards to whether differences in cost between obtaining a UNE from an ILEC and an alternative source should be considered, and whether a CLEC might be impaired if the ILEC's serving central office has no additional collocation space available, the FPSC believes that the FCC should avoid

Florida Public Service Commission Comments
CC Docket No. 96-98

an overly prescriptive approach, and instead consider
providing guidelines.

Respectfully submitted,



CYNTHIA B. MILLER
Senior Attorney

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6082

DATED: May 25th, 1999

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of:)
)
Implementation of the Local)
Competition Provisions of the) CC Docket No. 96-98
Telecommunications Act of 1996.)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Public Service Commission Comments has been furnished to the attached list of parties by U.S. Mail, this 25th day of May, 1999.



CYNTHIA B. MILLER
Senior Attorney

Kevin C. Gallagher
3600 Communications Company
8725 West Higgins Road
Chicago, Illinois 60631

Rodney L. Joyce
Ginsburg, Feldman & Bress
1250 Connecticut Avenue, NW
Washington, DC 20036

David A. Gross
Kathleen Q. Abernathy
AirTouch Communications, Inc.
1818 N Street, NW Suite 800
Washington, DC 20036

Pamela Riley
AirTouch Communications, Inc.
One California Street
San Francisco, California 94111

Mary Newmeyer
Alabama Public Service Commission
100 N. Union Street
Montgomery, Alabama 36101

John B. Howe
Mary Clark Webster
Janet Gail Besser
The Commonwealth of Massachusetts
Department of Public Utilities
100 Cambridge Street, 12th Floor
Boston, Massachusetts 02202

Scott Harshbarger
Daniel Mitchell
Regulated Industries Division
Public Protection Bureau
200 Portland Street, 4th Floor
Boston, Massachusetts 02114

Don Sussman
Larry Fenster
Charles Goldfarb
Mark Bryant
Mary L. Brown
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, NW
Washington, DC 20006

Joel B. Shifman, Esquire
Maine Public Utilities Commission
242 State Street
State House Station #18
Augusta, Maine 04333-0018

Karen Finstad Hammel, Esquire
Montana Public Service Commission
1701 Prospect Avenue
Post Office Box 202601
Helena, Montana 59620-2601

Charles H. Helein
America's Carriers
Telecommunication Association
8180 Greensboro Drive, Suite 700
McLean, Virginia 22102

Paul Schroeder
AFB Midwest
401 N. Michigan Avenue
Suite 308
Chicago, Illinois 60611

Riley M. Murphy
Charles Kallenbach
American Communications
Services, Inc.
131 National Business Parkway
Suite 100
Annapolis Junction, Maryland 20701

Alan R. Shark
American Mobile Telecommunications
Association, Inc.
1150 18th Street, NW, Suite 250
Washington, DC 20036

Danny E. Adams
Steven A. Augustino
Kelley, Drye & Warren, LLP
1200 19th Street NW, Suite 500
Washington, DC 20036

Rolayne Ailts, Esquire
South Dakota Public Utilities
Commission
500 East Capital
Pierre, South Dakota 57501

Henry M. Rivera
Larry S. Solomon
J. Thomas Nolan
Ginsburg, Feldman & Bress, Chtd.
1250 Connecticut Avenue, NW
Washington, DC 20036

David N. Porter
MFS Communications Company, Inc.
3000 K Street, NW, Suite 300
Washington, DC 20007

Agris Pavlovskis
Michigan Exchange Carriers
Association, Inc.
1400 Michigan National Tower
Lansing, Michigan 48901-0025

William J. Celio
Ronald G. Choura
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Michigan 48910

Richard J. Johnson
Michael J. Bradley
Moss & Barnett
4800 Norwest Center
90 South 7th Street
Minneapolis, Minnesota 55402-4129

John Garner
Alabama Public Service Commission
Post Office Box 991
100 North Union Street
Montgomery, Alabama 36101

Don Schroer, Chairman
Alaska Public Utilities Commission
1016 West 6th Avenue, Suite 400
Anchorage, Alaska 99501

Dr. Barbara O'Connor
Alliance for Public Technology
901 15th Street, Suite 230
Washington, DC 20005

Mary Gardiner Jones
Alliance for Public Technology
901 15th Street, Suite 230
Washington, DC 20005

Curtis T. White
Allied Associated Partners, LP
GELD Information Systems
4201 Connecticut Avenue, NW
Suite 402
Washington, DC 20008-1158

Carolyn C. Hill
ALLTEL Telephone Services Corp.
655 15th Street, NW, Suite 220
Washington, DC 20005

Lowell C. Johnson
Nebraska Public Service Commission
300 The Atrium, 1200 N Street
Post Office Box 94927
Lincoln, Nebraska 68509-4927

E. Barclay Jackson, Esquire
New Hampshire Public Utilities
Commission
8 Old Suncook Road
Concord, New Hampshire 03301-7319

David Kaufman, Esquire
New Mexico State Corp. Commission
Post Office Box 1269
Santa Fe, New Mexico 87504-1269

Stephen F. Mecham
160 East 300 South
Post Office Box 45585
Salt Lake City, Utah 84145

Michael L. Ginsberg
160 East 300 South
Post Office Box 146751
Salt Lake City, Utah 84145

Sheldon M. Katz
Vermont Department of Public Service
Drawer 20
Montpelier, Vermont 05620-2601

George E. Young, Esquire
Vermont Public Service Board
Drawer 20
Montpelier, Vermont 05620-2701

Wayne V. Black
C. Douglas Jarrett,
Susan M. Hafeli
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001

Albert H. Kramer
Robert F. Aldrich
Dickstein, Shapiro & Morin, LLP
2101 L Street, N.W.
Washington, D.C. 20037-1526

James Baller
Lana Meller
The Baller Law Group
1820 Jefferson Place, N.W.
Suite 200
Washington, D.C. 20036

Thomas P. Hester, Kelly R. Welsh,
John T. Lenahan, Mike Pabian,
Larry Peck, Gary Phillips,
Ameritech
30 South Wacker Drive
Chicago, IL 60606

Paul J. Berman
Alane C. Weixel
Covington & Burling
1201 Pennsylvania Ave., N.W.
P. O. Box 7566
Washington, D.C. 20044-7566

Eric Witte
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Gene P. Belardi
MobileMedia Communications, Inc.
2101 Wilson Boulevard, Suite 935
Arlington, VA 22201

James N. Horwood
Scott H. Strauss,
Wendy S. Lader
Spiegel & McDiarmid
Suite 1100
1350 New York Avenue, N.W.
Washington, D.C. 20005-4798

Aliceann Wohlbruck
National Association of Development
Organizations
444 North Capitol Street, N.W.
Suite 630
Washington, D.C. 20001

Paul Rodgers, Charles D. Gray,
James Bradford Ramsay
National Association of Regulatory
Utility Commissioners
1102 ICC Building
P. O. Box 684
Washington, D.C. 20044

Carl W. Northrop
Christine M. Crowe
Paul Hastings, Janofsky & Walker
1299 Pennsylvania Ave., N.W.
10th Floor
Washington, D.C. 20004

Christopher C. Kempley
Deborah R. Scott
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Bettye J. Gardner
The Association for the Study of
Afro-American Life and History, Inc.
1407 14th Street, N.W.
Washington, D.C. 20005-3704

Joseph W. Waz, Jr.
Beth O'Donnell
Comcast Corporation
1500 Market Street
Philadelphia, PA 19102

Martha Hogerty
NASUCA
1133 15th Street, N.W.
Suite 550
Washington, D.C. 20005

John Crump
National Bar Association
1225 11th Street, N.W.
Washington, D.C. 20001-4217

Daniel L. Brenner, Neal M. Goldberg
David L. Nicoll
National Cable Television Association,
Inc.
1724 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Joanne Salvatore Bochis
Perry Goldschein
National Exchange Carrier Association,
Inc.
100 South Jefferson Road
Whippany, N.J. 07981

Maureen O. Helmer
Public Service Commission of the
State of New York
Three Empire State Plaza
Albany, New York 12223

Gerald M. Zuckerman, Edwards B. Myers
Communications and Energy Dispute
Resolution Associates
International Square
1825 Eye Street, N.W., Suite 400
Washington, D.C. 20006

Ronald J. Binz
Debra Berlyn
Competition Policy Institute
1156 15th Street, N.W., Suite 310
Washington, D.C. 20005

Reginald J. Smith
Connecticut Department of Public
Utility Control
10 Franklin Square
New Britain, CT 06051

James U. Troup
L. Charles Keller
Arter & Hadden
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006

J. Scott Bonney
NEXTLINK Communications, LLC
1550 108th Avenue, N.E.
Bellevue, WA 98004

Antoinette R. Wike, Public Staff
North Carolina Utilities Commission
430 North Salisbury Street
P. O. Box 29520
Raleigh, N.C. 27626-0520

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

Michael E. Glover, Leslie A. Vial,
James G. Pachulski, Lydia Pulley
Bell Atlantic
1320 North Court House Road
8th Floor
Arlington, VA 22201

John T. Scott, III
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

M. Robert Sutherland
Richard M. Sbaratta
A. Kirven Gilbert III
BellSouth
1155 Peachtree Street, N.E.
Suite 1700
Atlanta, GA 30309-3610

Timothy E. Welch, Esquire
Hill and Welch
1330 New Hampshire Avenue, N.W.
#113
Washington, D.C. 20036

Robert S. Tongren
David C. Bergmann
Thomas J. O'Brien
Karen J. Hardie
Office of the Consumers' Counsel
77 South High Street, 15th Floor
Columbus, OH 43266-0550

Betty D. Montgomery, Duane W. Luckey
Steven T. Nourse, Jodi Jenkins Bair
Public Utilities Section
Office of the Attorney General
180 East Broad Street
Columbus, OH 43215-3793

Ernest G. John
John Gray
Maribeth D. Snapp
Oklahoma Corporation Commission
P. O. Box 25000-2000
Oklahoma City, OK 73152-2000

Mark J. Tauber
Mark J. O'Conner
Piper & Marbury, LLP
1200 19th Street, N.W.
7th Floor
Washington, D.C. 20036

Roger Hamilton, Ron Eachus
John Smith, W. Benny Won
Oregon Public Utility Commission
1162 Court Street, N.E.
Salem, OR 97310

Mark J. Palchick
Stephen M. Howard
Vorys, Sater, Seymour & Pease
1828 L Street, N.W., Suite 1111
Washington, D.C. 20036

Rachel J. Rothstein
Ann P. Morton
Cable & Wireless, Inc.
8219 Leesburg Pike
Vienna, VA 22181

Judith St. Ledger-Roty
Paul G. Madison
Reed Smith Shaw & McClay
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005-3317

Peter Arth, Jr., Edward W. O'Neill
Mary Mack Adu, Attorneys for the
People
of the State of California and the
Public
Utilities Commission of the State of
California
505 Van Ness Avenue
San Francisco, CA 94102

Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry
Association
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Marlin D. Ard
Randall E. Cape
John W. Bogy
Pacific Telesis Group
140 New Montgomery Street, Rm. 1530A
15th Floor
San Francisco, CA 94105

Maureen A. Scott
Veronica A. Smith
John F. Povilaitis
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Mark J. Golden
Robert R. Cohen
Personal Communications Industry
Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Joe D. Edge
Philip J. Mause
Tina M. Pidgeon
Drinker, Biddle & Reath, LLP
1500 K Street, NW, Suite 1100
Washington, D.C. 20005

Richard Rubin
Steven N. Teplitz
Fleischman and Walsh, LLP
1400 16th Street, N.W., Suite 600
Washington, D.C. 20036

Thomas E. Taylor
Jack B. Harrison
Cincinnati Bell Telephone Co.
2500 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

Richard M. Tettelbaum
Citizens Utilities Company
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036

Norman D. Rasmussen
Colorado Independent Telephone
Association
3236 Hiwan Drive
Evergreen, CO 80439

Robert J. Hix
Vincent Majkowski
Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

George Petrutsas
Paul J. Feldman
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Rosslyn, VA 22209

Margot Smiley Humphrey
NRTA
Koteen & Naftalin, LLP
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

David Cosson, L. Marie Guillory
Steven E. Watkins
NTCA
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Lisa M. Zaina
Ken Johnson
OPASTCO
21 Dupont Circle, N.W., Suite 700
Washington, D.C. 20036

James D. Ellis
Robert M. Lynch
David F. Brown
SBC Communications, Inc.
175 E. Houston, Room 1254
San Antonio, TX 78205

Susan Drombetta
Scherers Communications Group, Inc.
575 Scherers Court
Worthington, OH 43085

Myra Karegianes
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, IL 60601

Dwight E. Zimmerman
Illinois Independent Telephone
Association
RR 13, 24B Oakmont Road
Bloomington, IL 61704

Robert C. Glazier
Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington, Suite E306
Indianapolis, IN 46204

Fiona Branton
Information Technology Industry
Council
1250 Eye Street, N.W.
Washington, D.C. 20005

Cindy Schonbaut
Intelcom Group (USA), Inc.
9605 East Maroon Circle
Englewood, CO 80112

Jonathan E. Canis
Reed Smith Shaw & McClay
1301 K Street, N.W.
Suite 1100 East Tower
Washington, D.C. 20005

James A. Eibel
Network Reliability Council II
Secretariat
7613 William Penn Place
Indianapolis, IN 46256

Eric E. Breisach
Christopher C. Cinnamon
Howard & Howard
107 W. Michigan Avenue, Suite 400
Kalamazoo, MI 49007

R. Glenn Rhyne
State of South Carolina Public Service
Commission
P. O. Drawer 11649
Columbia, SC 29211

Madelyn M. DeMatteo
Alfred J. Brunetti
Maura C. Bollinger
Southern New England Telephone Company
227 Church Street
New Haven, CT 06506

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

William H. Smith, Jr.
Allan Kniep
Mary Jo Street
Iowa Utilities Board
Lucas State Office Building
Des Moines, Iowa 50319

Christopher W. Savage
David C. Haghghi
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

David Heinemann
Julie Thomas Bowles
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

Amy E. Dougherty
Kentucky Public Service Commission
P. O. Box 615
Frankfort, KY 40602

Richard N. Koch
10 Lilac Street
Sharon, MA 02067

Michael S. Fox
John Staurulakis, Inc.
6315 Seabrook Road
Seabrook, MD 20706

Chris Barron
TCA, Inc.
1465 Kelly Johnson Blvd.
Suite 200
Colorado Springs, CO 80920-3946

Margot Smiley Humphrey
Koteen & Naftalin, LLP
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

Peter A. Rohrbach, Linda L. Oliver,
Kyle D. Dixon, Hogan & Hartson, LLP
555 13th Street, N.W.
Washington, D.C. 20004

Philip L. Verveer
Sue D. Blumenfeld
Thomas Jones
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036

Howard J. Symons
Sara S. Seidman
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004

Lee M. Weiner
Douglas W. Kinkoph
LCI International Telecom Corp.
8180 Greensboro Drive, Suite 800
McLean, VA 22102

Robert A. Mazer
Albert Shuldiner
Mary Pape
Vinson & Elkins
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008

Peter A. Rohrbach
Linda L. Oliver
Kyle D. Dixon
Hogan & Hartson, LLP
555 13th Street, N.W.
Washington, D.C. 20004

Lawrence St. Blanc
Gayle T. Kellner
Louisiana Public Service Commission
P. O. Box 91154
Baton Rouge, LA 70821-9154

Stephen R. Rosen
Theodore M. Weitz
Lucent Technologies, Inc.
475 South Street
Morristown, N.J. 07962-1976

Kathy L. Shobert
General Communication, Inc.
901 15th Street, N.W., Suite 900
Washington, D.C. 20005

Carl Weinhaus
Telecommunications Industries Analysis
Project
University of Florida College of
Business
Administration
121 Mt. Vernon St.
Boston, MA 02108

Jot D. Carpenter, Jr.
Telecommunications Industry
Association
1201 Pennsylvania Avenue, N.W.
No. 315
Washington, D.C. 20044-0407

Charles C. Hunter
Hunter & Mow, P.C.
1620 Eye Street, N.W.
Suite 701
Washington, D.C. 20006

Alfred M. Mamlet
Philip L. Malet
Colleen A. Sechrest
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

J. Manning Lee
Teresa Marrero
Teleport Communications Group, Inc.
One Teleport Drive, Suite 300
Staten Island, N.Y., 10311

Emily C. Hewitt
Vincent L. Crivella
Michael J. Ettner
General Services Administration
18th & F Streets, N.W., Room 4002
Washington, D.C. 20405

Robert N. Kittel
Cecil O. Simpson, Jr.
Office of the Judge Advocate General
US Army Litigation Center
901 N. Stuart Street, Suite 713
Arlington, VA 22203-1837

BB Knowles
Dave Baker
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334-5701

Maudine Cooper
Greater Washington Urban League, Inc.
3501 14th Street, N.W.
Washington, D.C. 20010

Robert C. Schoonmaker
GVNW Inc./ Management
2270 La Montana Way
Colorado Springs, CO 80918

William P. Barr
Ward W. Wueste
Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, D.C. 20036

Jim Whitefield
Gary L. Mann
TSTCI
3721 Executive Center Drive
Suite 200
Austin, TX 78731-1639

Tim Raven
Texas Telephone Association
400 West 15th Street, Suite 1005
Austin, TX 78701-1647

Steve Hamlen
Unicom, Inc.
5450 A Street
Anchorage, AK 99518-1291

Perry W. Woofter
United Calling Network, Inc.
1200 29th Street, N.W., Suite 200
Washington, D.C. 20007

Rebecca S. Weeks
Carl Wayne Smith
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA 22204

Robert A. Hart, IV
Hart Engineers
P. O. Box 66436
Baton Rouge, LA 70896

H. Keith Oliver
Home Telephone Company, Inc.
200 Tram Street
Moncks Corner, SC 29461

Dana Frix
Douglas G. Bonner
Swidler & Berlin, Chartered
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Weldon B. Stutzman
Idaho Public Utilities commission
P. O. Box 83720
Boise, Idaho 83720-0074

Bradley C. Stillman, Esquire
Dr. Mark N. Cooper
Consumer Federation of America
1424 16th Street, N.W.
Washington, D.C. 20036

Anne K. Bingaman
Donald J. Russell
Luin Fitch
Antitrust Division
US Department of Justice
555 4th Street, N.W., Rm. 8104
Washington, D.C. 20001

Jere W. Glover
David W. Zesiger
Office of Advocacy
United States Small Business
Administration
409 Third Street, S.W., Suite 7800
Washington, D.C. 20416

Roy M. Neel
Bob Boaldin
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20036

Robert McKenna
Kathryn Marie Krause
James T. Hannon
US West, Inc.
1020 19th Street, N.W., Suite 700
Washington, D.C. 20036

Jeffrey L. Sheldon
Sean A. Stokes
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

Robert J. Sachs
Howard B. Homonoff
Continental Cablevision, Inc.
Lewis Wharf, Pilot House
Boston, MA 02110

Werner K. Hartenberger, Leonard J.
Kennedy
Laura H. Phillips, JG Harrington
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

Harold Crumpton
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Raymond G. Bender, Jr., JG Harrington
Peter A. Batacan
Vanguard Cellular Systems, Inc.
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036

James U. Troup
L. Charles Keller
Arter & Hadden
1801 K Street, N.W., Suite 400 K
Washington, D.C. 20006

Edward C. Addison
Virginia State Corporation Commission
Division of Communications
P. O. Box 1197
Richmond, VA 23218

Richard A. Finnigan
Washington Independent Telephone
Association
2405 Evergreen Park Drive, S.W.
Suite B-1
Olympia, WA 98502

Charles H. Kennedy
Morrison & Foerster, LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006

Prof. Nicholas Economides
Stern School of Business
New York University
New York, New York 10012

David C. Jatlow
The Ericsson Corporation
Young & Jatlow
Suite 600
2300 N Street, N.W.
Washington, D.C. 20036

J. Christopher Dance
Kerry Tassopoulos
Excel Telecommunications, Inc.
9330 LBJ Freeway
Suite 1220
Dallas, Texas 75243

Marc A. Stone
Fred Williamson & Associates, Inc.
2921 East 91st Street
Suite 200
Tulsa, OK 74137-3300

Timothy R. Graham
Robert M. Berger
Joseph M. Sandri, Jr.
Winstar Communications, Inc.
1146 19th Street, N.W.
Washington, D.C. 20036

Stephen G. Oxley
State of Wyoming Public Service
Commission
700 W. 21st Street
Cheyenne, WY 82002

Bryan G. Moorhouse
Susan Stevens Miller
Maryland Public Service Commission
6 St. Paul Street
Baltimore, Maryland 21202