

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of)
)
Deployment of Wireline Services) CC Docket No. 98-147
Offering Advanced Telecommunications)
Capability)
)

REPLY COMMENTS OF @LINK NETWORKS INC.

@link Networks Inc. ("@link") hereby submits its reply comments in the above referenced proceeding.¹

I. THE NOTICE'S PROPOSAL TO MANDATE LINE SHARING WAS WIDELY SUPPORTED IN THE COMMENTS AND SHOULD BE ADOPTED.

The Commission's proposal to mandate line sharing was widely supported by the parties commenting in this proceeding.² The comments addressed the Commission's jurisdiction to order line sharing, both as a loop capability that must be made available by the incumbent local exchange carriers ("ILECs") on an unbundled basis under Section 251(c) of the Act,³ or as an interstate access service under Sections 201(b) and 202(a).⁴

¹ In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, *First Report and Order and Further Notice of Proposed Rulemaking*, FCC 99-48 (rel. March 31, 1999) ("Notice"). The deadline for filing reply comments was extended to July 22, 1999. In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, *Order*, DA 99-1351 (rel. July 9, 1999).

² See generally Association for Local Telecommunications Services ("ALTS") Comments at 5-20; Covad Communications Company Comments at 3-41; MCI Worldcom, Inc. Comments at 10-13; Northpoint Communications, Inc. Comments at 6-28; Rhythms Netconnections, Inc. Comments at 2-14.

³ See ALTS Comments at 11.

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The comments also addressed the practical, technical, and operational issues surrounding line sharing, concluding that these issues should not discourage the Commission from mandating line sharing.⁵ Even GTE agreed that "these operational problems are [not] insurmountable."⁶ @link agrees that the telecommunications industry can resolve these concerns, as it has done in the past for other technical and operational issues surrounding the development of local competition.

In its comments, @link urged the Commission to immediately mandate line sharing for G.lite.⁷ There is support for this proposition in the record. For example, Covad stated that DSL technologies such as G.lite that preserve spectrum for analog voice service through the use of a buffer do not interfere with the voice band channel.⁸ Thus, line sharing for services such as G.lite, that pose little risk of interference to the voice band, should be authorized immediately. However, @link also agrees with Covad that the Commission should not "limit the availability of line sharing to any one particular DSL technology, but permit all forms of DSL technology that preserve and do not interfere with an analog voice channel below 4 khz."⁹ While the Commission should mandate line

⁴ See Covad Comments at 24..

⁵ See e.g., *id.* at 7-23; Rhythms Netconnections Comments at 2-14.

⁶ GTE Comments at 30.

⁷ @link Comments at 6.

⁸ Covad Comments at 5 n.9; see also Michael Finneran, "Do or Die Time for ADSL," *Business Communications Review*, No. 1, Vol. 29, at 24 (January 1999)(describing the G.lite standard as a "lower-cost, lower-speed . . . version of ADSL that could work on a wider variety of copper pairs").

⁹ Covad Comments at 5 n.9.

sharing for G.lite, line sharing for other forms of DSL technology should also be required as carriers and the Commission gain experience with the issues surrounding line sharing.

II. @LINK AGREES THAT THE COMMISSION MUST ADOPT SPECTRUM MANAGEMENT POLICIES AND DISPUTE RESOLUTION PROCEDURES TO ENSURE PARITY BETWEEN ILECS AND COMPETITIVE DSL PROVIDERS.

@link agrees with Covad and others that "a workable spectrum management policy, complete with expedited dispute resolution procedures" is necessary in order to ensure parity between the ILECs and competitive DSL providers.¹⁰ Specifically, the Commission should adopt the current policy creating a presumption that any technology that has been deployed in any state without a record of substantial degradation or approved by this Commission, any state commission, or a generally-recognized standards body is acceptable for deployment.¹¹ As MCI Worldcom points out, although T1E1 is well suited to develop standards, standards will also be developed in other fora, such as the International Telecommunications Union ("ITU"), which has recently set a standard for ADSL Lite (also known as G.lite): G.922.2.¹² Standards bodies such as the ITU should also be recognized by the Commission's policy.

¹⁰ Covad Comments at 44. Both the California Public Utilities Commission ("CPUC") and the Oklahoma Corporation Commission ("OCC") state that spectrum management disputes may be resolved at state commissions. CPUC Comments at 4; OCC Comments at 10. @link agrees that state commissions could constitute an alternative forum for resolution of such disputes. However, dispute resolution by the States should be consistent with any Federal rules or policies adopted in this proceeding.

¹¹ Notice at ¶ 67; Covad Comments at 50.

¹² MCI Worldcom Comments at 5 ("There may be other fora . . . where PSDs will be set, such as in the International Telecommunications Union ("ITU"), because T1E1/American National Standards Institute has not standardized the full range of xDSL technologies.")(footnote omitted); see also Steve Gold, "ITU Ratifies Full Range of ADSL Technologies," Newsbytes (July 6, 1999).

In order to ensure that any spectrum management rules or policies adopted are not illusory, the Commission must develop effective dispute resolution procedures. @link agrees with Covad that such resolution should take place at the Commission's new Enforcement Bureau.¹³ In addition, @link agrees with Prism Communications Services, Inc. and AT&T that disputes concerning spectrum management policies should be resolved on an expedited basis through the Commission's Accelerated or "Rocket" Docket.¹⁴ "One of the primary goals of this new docket is to stimulate real competition among market participants."¹⁵ Disputes concerning spectrum management are particularly well suited for inclusion in the Commission's accelerated complaint resolution procedures because neutral spectrum management policies will advance competition in the market for advanced telecommunications.¹⁶ Quick and decisive enforcement mechanisms will send a message to ILECs that attempts to delay the provision of competitive DSL services will not be tolerated.

¹³ Covad Comments at 53.

¹⁴ See Prism Comments at 10-11; AT&T Comments at 15-16; see also Sprint Corp. Comments at 7 ("In cases where disputes arise, there must be a fast-paced binding arbitration process, that should take no longer than one week for resolving disputes about whether the performance degradation is 'significant' and if so, which party is responsible.").

¹⁵ In Re Amendment of Rules Governing Procedures to be Followed When Formal Complaints are Filed Against Common Carriers, CC Docket No. 96-238, *Second Report and Order*, 13 FCC Rcd. 17081, at ¶ 18 (1998).

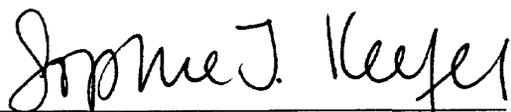
¹⁶ Id. ("[T]o the extent that the resolution of a particular dispute appears likely to advance competition in the relevant telecommunications market, it may be appropriate for inclusion on the Accelerated Docket.").

III. CONCLUSION.

For the reasons set forth above, the Commission should (1) immediately mandate line sharing for G.lite and all other forms of DSL for which it is suitable and (2) adopt spectrum management policies and dispute resolution procedures to ensure parity between ILECs and competitive DSL providers.

Respectfully submitted,

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