<<NetAction>>

ORIGINAL

February 2, 2000

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The Honorable William E. Kennard
Chairman
Federal Communications Commission
455 Twelfth Street, SW
Washington, D.C. 20554

RECEIVED
FEB 03 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

Re: Ex Parte Presentation

Transfer of Control of Licenses from Media One Group, Inc. to AT&T Corp.
CS Docket NO. 99-251

Merger of Bell Atlantic and GTE
CC Docket No. 98-184

Dear Chairman Kennard:

NetAction[1] wishes to call the Commission's attention to a glaring discrepancy between the cable Internet access policy that GTE seeks to impose on its cable competitors and the policy it actually applies to its own cable customers. We believe this discrepancy underscores the hypocrisy of GTE's position on forced access and reinforces questions (already raised by GTE's vigorous resistance to the market-opening mandate of the Telecommunications Act of 1996) about GTE's willingness to comply with any public interest commitments and conditions the Commission might impose in connection with its merger with Bell Atlantic. We respectfully urge you to pursue this matter with GTE at the Public Forum regarding the AT&T/Media One merger scheduled for this Friday, and also in your consideration of the Bell Atlantic/GTE merger.

As the Commission is no doubt aware, GTE has been an ardent proponent of government regulation of the terms under which Internet service providers obtain access to broadband cable networks. In the context of the

[1] NetAction is a national nonprofit organization based in San Francisco, California that is dedicated to promoting use of the Internet for effective grassroots citizen action campaigns and to educating the public, policy makers, and the media about technology policy issues.

NetAction is a project of The Tides Center
*601 Van Ness Ave., No. 631 * San Francisco, CA 94102*
*Phone: (415) 775-8674 * Fax: (415) 673-3813 * E-mail: email@netaction.org*
Web: http://www.netaction.org

AT&T/MediaOne merger, GTE has urged the Commission to impose "forced access" as a condition for its approval of the merger.[2] In its Petition to Deny filed in the AT&T/MediaOne merger proceeding, GTE specifically criticizes AT&T and MediaOne for purportedly preventing its cable broadband customers from reaching "the ISP of their choice," and urges the Commission to mandate access as a condition of approval of the merger.[3]

Moreover, in its antitrust suit brought against the cable systems acquired by AT&T from TCI, GTE excoriates cable operators for allegedly requiring customers who wish to use an alternate ISP service to "pay twice -- once for the package that includes the unwanted At Home ISP service, and a second time for the service provided by the ISP of their choosing . . .".[4] GTE expressly characterizes this practice as "an unlawful tie."[5]

Given GTE's vociferous support of forced access for cable operators and its view that AT&T's "bundling of . . . high-speed data transport services with . . . ISP service is an unlawful tie," it may surprise you to learn that GTE's own customers are subject to these very same conditions. GTE provides cable television service and WorldWind broadband Internet access in the Ventura County, California area. GTE cable subscribers pay $39.95 per month for the WorldWind broadband service, which includes Internet access via GTE.NET, the company's own Internet Service Provider. If GTE's customers prefer to access the Internet via another ISP, they must pay additional charges, as explained on the company's web site:

Q. What if I already have Internet access through a commercial provider or through another Internet Service Provider?

A. GTE WorldWind service includes unlimited monthly access to the Internet via GTE.NET, GTE's own Internet Service Provider, plus a full-featured edition of Netscape Navigator or Microsoft Internet Explorer. A commercial provider or another Internet Service Provider can be accessed via GTE's high-speed cable modem service. <u>However, you will have to pay their current established monthly charge.</u>[6]

In short, as an operator of cable systems in California, GTE engages in the exact same business practice which it decries as unfair, discriminatory, contrary to the public interest and "unlawful."

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[2] *See In the Matter of Application for Consent to the Transfer of Control of Licenses Media One Group, Inc., Transferor to AT&T Corp., Transferee*, CS Docket No. 99-251, Petition of GTE Service Corporation, GTE Internetworking, and GTE Media Ventures, Inc. to Deny Application, or in the Alternative, to Condition the Merger on Open Access Requirements, August 23, 1999.

[3] *Id.* at 49, 58.

[4] *GTE Internetworking Incorporated and GTE Intelligent Network Services Incorporated v. Telecommunication, Inc., Comcast Corporation and At Home Corporation*, Case No. ___, W.D. Pa., complaint filed October 26, 1999, at 2 ("*GTE Antitrust Complaint*") (attached as Exhibit 1).

[5] *Id.* at 3.

[6] *See* "GTE WorldWind: Cable Modem Frequently Asked Questions,"<www.gtecablemodem.com/faq/html> (emphasis added) (visited Feb. 1, 2000) and "Open Access Key Facts, Consumers Will Pay Twice to Preserve Their Choice," <"http://www.gte.com/AboutGTE/Publicpolicy/openaccess/keyfacts.html> (visited Feb. 1,2000) (attached as Exhibit 2).

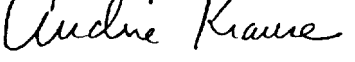
GTE's hypocritical refusal to practice what it preaches underscores NetAction's view that the company's position is a ruse intended to slow the deployment of broadband services by its cable competitors and stifle the emergence of competitive local phone service. Upgraded cable networks that have the capability of delivering video, data, and IP telephony represent the best hope for meaningful competition. For seniors and low incomes consumers, small businesses, and others whose local telephone service rates have gone through the roof in recent years, cable may be a welcome alternative. In California, cable operators' investments in upgraded networks are already yielding new competitive choices for consumers and spurring the local monopoly phone companies to make their own investments and restrain price increases. Once broadband cable is widely deployed, consumers will finally have choice in all their communication services.

NetAction believes that the vigor with which GTE has advocated forced access is an indication of how much competition they anticipate from upgraded cable networks. Serious competition may not be in GTE's parochial interest, but it most certainly is in the public interest. GTE's fervent efforts to impose forced access on cable operators is nothing more than an attempt to use regulatory and legal proceedings to tie the hands of its most viable and potent competitors.

NetAction strongly urges you and the other Commissioners to question GTE about the yawning gap between the policy it has been pushing the FCC to adopt and the policy it imposes on its customers. In light of GTE's assertion to a Federal court that the bundling of broadband Internet transmission capacity with an affiliated ISP service constitutes an "unlawful tie," we believe that this issue should be raised in the context of GTE's merger with Bell Atlantic. Indeed, not only is GTE engaging in conduct which it has repeatedly characterized to the FCC as being unfair and contrary to the public interest, but it also is engaging in conduct which it has characterized in Federal court as being "illegal" and "unlawful."[7] This gap between GTE's words and its deeds should raise concerns about the steadfastness with which it will abide by any commitments it makes -- or requirements imposed upon it -- as a condition of obtaining approval of its merger with Bell Atlantic.

We appreciate your attention to the issues raised in this letter. In accordance with the Commission's rules, two copies of this letter are being filed with the Secretary's office.

Sincerely,



Audrie Krause
Executive Director

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[7] *See* GTE Antitrust Complaint at 2-3.

Exhibit 1

THOMAS D. YANNUCCI, P.C.
STEVEN G. BRADBURY
BRETT M. KAVANAUGH
GERALD F. MASOUDI
KIRKLAND & ELLIS
655 Fifteenth Street, N.W., Suite 1200
Washington, D.C. 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200

HENRY WEISSMANN
STUART N. SENATOR
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

JAMES F. RILL
COLLIER, SHANNON, RILL & SCOTT, PLLC
3050 K Street, N.W.
Washington, D.C. 20007
Telephone: (202) 342-8430
Facsimile: (202) 342-8451

W. THOMAS McGOUGH, JR.
GARY L. KAPLAN
REED, SMITH, SHAW & McCLAY
435 Sixth Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 288-3131
Facsimile: (412) 288-3063

Attorneys for Plaintiffs
GTE INTERNETWORKING INCORPORATED and
GTE INTELLIGENT NETWORK SERVICES INCORPORATED

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GTE INTERNETWORKING INCORPORATED, a Delaware corporation, and GTE INTELLIGENT NETWORK SERVICES INCORPORATED, a Delaware corporation Plaintiffs, v. TELE-COMMUNICATIONS, INC., a Delaware corporation; COMCAST CORPORATION, a Pennsylvania corporation; and AT HOME CORPORATION, a Delaware corporation. Defendants.	CASE NO. COMPLAINT Jury Trial Demanded

For its complaint, plaintiffs GTE Internetworking Incorporated and GTE Intelligent Network Services Incorporated (collectively, "GTE") allege, based on personal knowledge as to their own actions and on information and belief as to the actions of others, as follows:

1. This is an action to prevent two of the nation's largest cable companies from illegally exploiting their market power to restrict residential customers' high-speed, high-capacity access to the Internet. The defendant cable companies control the dominant technology that allows American residential customers to connect at high speeds and with high capacity to the Internet. Rather than offering this technology in an open and nondiscriminatory manner that allows Americans to choose whichever Internet Service Provider — such as GTE, America Online, Mindspring, and the like — they prefer, the defendants are engaged in concerted and illegal activity that forces customers to purchase a package that includes service provided by defendant At Home Corporation ("At Home"), which is substantially owned and controlled by the cable company defendants. Through this illegal conduct, defendants are not only harming unaffiliated Internet Service Providers, like plaintiff GTE, they are also harming residential consumers and denying them meaningful high-speed access to the Internet Service Provider of their choosing.

2. This action, which is brought under section 1 of the Sherman Act, 15 U.S.C. § 1, seeks to restrain, and recover damages resulting from, the anticompetitive actions of At Home and its cable company owners. As described more fully below, defendants have expressly tied the sale of high-speed data transport over cable facilities between residences and an Internet Service Provider's ("ISPs") point of presence with the sale of At Home's ISP service. Residential customers can obtain high-speed data transport over cable facilities to an ISP's point of presence only if they purchase a package that includes the At Home ISP service. Customers who prefer to purchase ISP service from plaintiff GTE or another unaffiliated ISP must pay twice -- once for the package that includes the unwanted At Home ISP service, and a second time for the service provided by the ISP of their choosing — and may still not be able to access all of the content otherwise available from the ISP of their choosing. The defendant cable companies'

mandatory bundling of their high-speed data transport services with the At Home ISP service is an unlawful tie. In addition, the arrangements between the defendant cable companies and At Home are unlawful exclusive dealing contracts. Finally, the defendants have entered into a concerted refusal to deal by agreeing that the defendant cable companies will not provide high-speed data transport services over their cable facilities to unaffiliated ISPs.

Parties

3. Plaintiff GTE Internetworking Incorporated ("GTE") is a corporation organized under the laws of Delaware with its principal place of business in Massachusetts. Plaintiff GTE Internetworking is a wholly-owned subsidiary of GTE Corporation, a publicly-traded corporation organized under the laws of New York with its principal place of business in Texas. Plaintiff GTE Internetworking is a national Internet "backbone" provider, as described below. Plaintiff GTE Intelligent Network Services Incorporated is a wholly-owned subsidiary of Plaintiff GTE Internetworking Incorporated. Plaintiff GTE Intelligent Network Services Incorporated is a corporation organized under the laws of Delaware with its principal place of business in Texas. Plaintiff GTE Intelligent Network Services Incorporated competes in the provision of ISP services to residential customers throughout the United States. GTE's ISP service is called gte.net.

4. Defendant Tele-Communications, Inc. ("TCI") is a corporation organized under the laws of Delaware with its principal place of business in Englewood, Colorado. Until recently, TCI was a publicly-traded corporation. TCI is now a wholly-owned subsidiary of AT&T Corporation. TCI directly and indirectly owns and operates cable systems throughout the United States.

5. Defendant Comcast Corporation ("Comcast") is a publicly-traded corporation organized under the laws of Pennsylvania with its principal place of business in Philadelphia, Pennsylvania. Comcast directly and indirectly owns and operates cable systems throughout the United States.

6. Collectively, TCI and Comcast are referred to herein as the "Cable Company Defendants."

7. Defendant At Home Corporation ("At Home") is a publicly-traded corporation organized under the laws of Delaware with its principal place of business in Redwood City, California.

8. Each Cable Company Defendant has substantial equity in and voting control over At Home. Collectively, the Cable Company Defendants own a majority of equity of At Home and exercise voting control over At Home.

Jurisdiction and Venue

9. The jurisdiction of this Court is based on 28 U.S.C. § 1331 and 1337. Venue is proper in this judicial district pursuant to 15 U.S.C. §§ 15, 22, and 26 because defendants are found or do business in this district. Specifically, all defendants can be found in this district because they conduct business, including provision of broadband internet transport and ISP service over cable, within this judicial district. Moreover, Comcast resides in this judicial district because it is incorporated in the State of Pennsylvania. Venue is also proper in this district under 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, or a substantial part of the property that is the subject of this action is situated in this judicial district.

Common Allegations

Introduction

10. In order to gain access to the Internet, an individual must be able to transmit data to and from an ISP. ISPs can provide a number of services. First, ISPs have specialized communication devices, known as routers, that recognize the destination of data transmitted from or to a customer. An ISP's router recognizes, for example, data transmitted by a customer indicating that the customer wishes to examine a particular page on the WorldWide Web, and the router likewise recognizes that the WorldWide Web content sent in response should be delivered to the requesting customer. An ISP also transports the data between the ISP's point of presence ("POP"), which is typically the ISP's nearest location to the customer, and the interconnection point where the data enters some other ISP's network, if required. Most ISPs provide news and mail to the individual. Some ISPs (such as America Online) provide

additional content to the user; if so, they may either create their own proprietary content, or else repackage content created by others. Finally, some ISPs provide "web hosting", i.e., the ability of a customer to maintain its own web page on the ISP's facilities.

11. The quality of an individual's access to the Internet -- in terms of both the speed of access and the form of information that can be accessed (such as video streaming) -- is dependent in large part on the quality of the connection between the user's home and the ISP's POP.

12. As explained more fully below, the defendants in this case control the dominant new technology that provides for high-speed access from an individual's residence to an ISP's POP. This case is brought to stop defendants' unlawful exploitation of their economic power in the provision of high-speed, high-capacity access to the Internet in order to gain an unlawful competitive advantage in the provision of ISP services and to prevent consumers from having a meaningful choice of ISPs.

Market Definition

Product Markets

13. The transportation of data between residential customers and ISPs' POPs at high speeds is a relevant product market. In the past, most residential consumers obtained data transport services over traditional narrowband phone lines provided by local exchange carriers. In such an arrangement, a residential customer's computer modem "dials up" the ISP's modem. Once the ISP verifies the customer's identity, it connects the customer to the Internet in the manner described above. The technical characteristics of the existing telephone network greatly limit the speed at which data can be transmitted between the customer and the ISP's POP. Accordingly, such dial up customers connect to the Internet at maximum speeds of between 28800 and 56000 bits per second ("bps").

14. Data can now be transported over cable systems at speeds advertising as being up to 100 times faster than dial up connections. These higher speeds allow residential customers to use the Internet in ways that are simply impractical over lower-speed dial up connections. Such high-speed connections allow customers to obtain real-time video

transmission, conduct commercial transactions, and play interactive games. In addition, the high-speed connections provided over the cable systems remain "on" at all times, thus eliminating the delay associated with connecting to an ISP's modem in a typical dial-up configuration. Because of these distinct advantages, high-speed transportation of data between residential customers and ISPs' POPs is a distinct product market. Low-speed dial-up transport is not an adequate substitute for high-speed transport.

Geographic Markets

15. Defendants provide high-speed transport of data to residential customers over cable facilities in a number of locations throughout the United States. The Cable Company Defendants' upgraded cable facilities capable of providing high-speed data transport currently pass millions of homes in the United States, and the Cable Company Defendants plan to upgrade the majority of systems passing more than 25 million homes within five years.

16. Each local community in which the defendants provide high-speed data transport between residential customers and ISP POPs is a separate geographic market. A residential Internet user can procure high-speed transport to and from an ISP only from those firms that have facilities in the area where the customer lives. The customer's economic choice is limited to the firms offering the relevant product in the narrow geographic area in which that customer resides.

17. In some but not all areas in which the defendants provide high-speed data transport between residential customers and ISP POPs, unaffiliated firms offer alternative data transport services at speeds in excess of dial-up access. Each local area in which the defendants provide high-speed data transport between residential customers and ISP POPs, and in which such alternatives are not available, is a separate geographic market.

Description of the Market and Defendants' Economic Power

18. Defendants hold a dominant position in the national market for provision of high-speed transport of data between residential customers and ISPs, and their dominance is complete in a large number of local geographic markets. Currently, approximately 1.2 million residential customers purchase high-speed transport services, and this market is growing rapidly.

Approximately 90% of such customers are served by cable systems, while only 10% receive service from a non-cable-based system.

19. Nationally, about 60% of the residential customers that subscribe to high-speed transport services purchase such services from the Defendant Cable Companies or from other cable operators that have exclusive contracts with At Home. Another 30% of the residential customers that subscribe to high-speed transport services purchase such services from cable companies that have exclusive contracts with another ISP, such as Road Runner. In local geographic markets, however, only one cable operator provides high-speed transport services. In many such local markets, the Defendant Cable Companies' share of the market for the provision of high-speed transport of data between residential customers and ISPs is 100%.

20. Alternatives to high-speed transport provided over cable systems are not currently offered in many areas in which high-speed transport over cable systems is offered. In addition, such alternative services will not be offered, at least in the reasonably near future, in a number of areas in which high-speed transport is provided over cable systems, due to technical and cost considerations. Finally, even where such alternatives are offered, they are often much more costly to deploy than are the cable companies' high-speed offering.

Defendants' Unlawful Tying Scheme

21. The Cable Company Defendants have agreed with each other and with At Home to an unlawful scheme to tie the sale of high-speed transport between residential customers and ISPs' POPs to the sale of the At Home ISP service. Each of the Cable Company Defendants, as well as a number of other cable operators, has agreed with At Home not to supply high-speed transport to residential customers except as part of a package that includes the At Home ISP service (with certain narrow exceptions).

22. In this manner, defendants have forced a substantial number of residential customers to purchase the At Home ISP service, even though such customers would have preferred to purchase ISP services from GTE or another unaffiliated vendor.

23. Defendants' conduct has seriously damaged GTE and other unaffiliated ISPs by denying them of the opportunity to compete fairly to provide superior ISP services by

means of the defendants' high-speed cable facilities. Defendants' conduct will cause even more serious damage in the future as larger numbers of customers decide to purchase high-speed data transport over Cable Company Defendants' facilities and find that they must purchase At Home even to reach their preferred ISP. As a result, consumers will face fewer choices for ISP providers and will pay higher prices to obtain the services of an ISP than they would in a fully competitive market.

First Claim for Relief

Tying — Per Se Violation (Sherman Act, Section 1)

(Against All Defendants)

24. Plaintiff incorporates by reference the allegations set forth above.

25. The provision of high-speed transport of data between residential customers and ISPs is a separate product from the provision of ISP services.

26. The defendants have conditioned the sale of high-speed transport of data between residential customers and ISPs on the sale of the At Home ISP service.

27. The defendants have appreciable economic power in the relevant geographic markets for the provision of high-speed transport of data between residential customers and ISPs.

28. The defendants' tying has affected a not insubstantial amount of interstate commerce in the provision of ISP services.

29. The defendants' tying harms GTE and other unaffiliated ISPs, which either cannot offer residential customers high-speed data transport, or can do so only at a high cost that places them at a significant competitive disadvantage compared to the At Home package.

30. The defendants' tying is per se unlawful under section 1 of the Sherman Act.

Second Claim for Relief

Tying — Rule of Reason Violation (Sherman Act, Section 1)

(Against All Defendants)

31. Plaintiff incorporates by reference the allegations set forth above.

32. If the defendants' tying is not per se unlawful, it is unlawful under the rule of reason, in that the anticompetitive consequences of defendants' conduct outweigh any pro-competitive effects thereof. Residential customers who obtain high-speed data transport over cable systems operated by the Cable Company Defendants cannot obtain service from another ISP without paying twice for ISP service, and even then the residential customers may not be able to access all content otherwise available from the other ISP. The defendants' conduct harms GTE and other unaffiliated ISPs, which either cannot offer residential customers high-speed data transport, or can do so only at a high cost that places them at a significant competitive disadvantage compared to the At Home package. As a result of this restriction of competition among ISPs, consumers will pay higher prices to obtain the services of an ISP than they would in a fully competitive market.

Third Claim for Relief

Exclusive Dealing (Sherman Act, Section 1)

(Against All Defendants)

33. Plaintiff incorporates by reference the allegations set forth above.

34. Each of the Cable Company Defendants has entered into an agreement with At Home, pursuant to which the Cable Company Defendants have agreed to offer their residential customers the At Home ISP service exclusively in conjunction with high-speed data transport over the Cable Company Defendants' cable systems, with certain narrow exceptions. At Home also has entered into similar exclusive arrangements with a number of other cable operators. At Home itself characterizes these arrangements as "exclusive."

35. The exclusive agreements lessen competition substantially and unreasonably restrain trade by foreclosing At Home's ISP competitors from a significant segment of the relevant markets. The exclusive agreements harm GTE and other unaffiliated

ISPs, which either cannot offer residential customers high-speed data transport, or can do so only at a high cost that places them at a significant competitive disadvantage compared to the At Home package. As a result of this restriction of competition among ISPs, consumers will pay higher prices to obtain the services of an ISP than they would in a fully competitive market.

Fourth Claim for Relief

Concerted Refusal to Deal -- Per Se Violation (Sherman Act, Section 1)

(Against All Defendants)

36. Plaintiff incorporates by reference the allegations set forth above.

37. The Cable Company Defendants are horizontal competitors. The Cable Company Defendants are authorized by law to compete against one another. A cable company may, for example, construct new cable facilities to provide cable services as well as data transport services in competition with the incumbent cable company in a particular geographic area.

38. Each of the Cable Company Defendants has agreed with At Home not to provide high-speed data transport between residential customers and ISPs, except as part of the At Home package, with certain narrow exceptions. The intent and effect of these provisions, which At Home itself calls "exclusive," is that the Cable Company Defendants refuse to provide such high-speed data transport services to GTE or any other unaffiliated ISP.

39. These agreements with At Home reflect and were the product of an agreement among the Cable Company Defendants.

40. The Defendants' actions constitute a concerted refusal to deal (also known as a "group boycott"), which is unlawful per se under Section 1 of the Sherman Act.

41. The Defendants' actions have harmed GTE and other unaffiliated ISPs, who would have benefited from increased competition in the provision of high-speed transport of data between residential customers and ISPs.

Fifth Claim for Relief

Concerted Refusal to Deal — Rule of Reason Violation (Sherman Act, Section 1)

(Against All Defendants)

42. Plaintiff incorporates by reference the allegations set forth above.

43. If the Defendants' concerted refusal to deal with unaffiliated ISPs is not per se unlawful, it is unlawful under the rule of reason, in that the anticompetitive effects of defendants' conduct outweigh the pro-competitive effects. The concerted refusal to deal harms GTE and other unaffiliated ISPs, which either cannot offer residential customers high-speed data transport, or can do so only at a high cost that places them at a significant competitive disadvantage compared to the At Home package. As a result of this restriction of competition among ISPs, consumers will pay higher prices to obtain the services of an ISP than they would in a fully competitive market.

Prayer For Relief

WHEREFORE, plaintiff GTE Internetworking prays for relief, as follows:

1. For damages according to proof, with interest, trebled pursuant to 15 U.S.C. § 15;

2. For a declaration that (a) the defendants may not require customers to purchase the At Home ISP service in order to obtain high-speed data transport, i.e., customers may obtain high-speed data transport without also purchasing ISP service from At Home; (b) the exclusive contract between the Cable Company Defendants and At Home is unlawful; and (c) the Cable Company Defendants may not agree to refuse to deal with non-affiliated ISPs with respect to the provision of high-speed data transport to residential customers.

3. For an appropriate injunction pursuant to 15 U.S.C. § 26, Fed. R. Civ. P. 65 and the Court's inherent power permanently enjoining defendants from engaging in the anticompetitive conduct set forth herein and enforcing the declarations prayed for above.

4. For attorney's fees and recoverable costs and other expenses.

5. For such further relief as the Court may deem just and proper.

DATED: October 26, 1999

REED, SMITH, SHAW & McCLAY
W. THOMAS McGOUGH, JR
PA I.D. No. 28328
GARY L. KAPLAN
PA I.D. No. 75524

By: _____
W. Thomas McGough, Jr.

KIRKLAND & ELLIS
THOMAS YANNUCCI
BRETT M. KAVANAUGH
GERALD MASOUDI

MUNGER, TOLLES & OLSON LLP
HENRY WEISSMANN
STUART N. SENATOR

COLLIER, SHANNON, RILL & SCOTT, PLLC
JAMES F. RILL

Attorneys for Plaintiffs
GTE INTERNETWORKING INCORPORATED and GTE INTELLIGENT NETWORK SERVICES INCORPORATED

Exhibit 2

GTE WorldWind sm

Cable Modem Frequently Asked Questions (FAQs)

Q. Where is GTE WorldWind service available?

GTE is now offering cable modem service

In California

- Thousand Oaks
- Newbury Park
- Camarillo
- Mantilla
- El Rio

In Florida

- Clearwater
- Countryside
- Safety Harbor
- Palm Harbor

GTE plans to extend its cable modem service in other local areas within Pinellas County, Florida and Ventura County, California.

Q. How fast is GTE WorldWind Service?

GTE WorldWind service has been engineered to give a consistent and reliable through-put speed that exceeds any standard offerings of dial-up or ISDN service. You can get speeds up to 100 times faster than a 28.8 modem.

Q. Can I get GTE WorldWind for my business?

No, at this time GTE WorldWind is only available for residential customers. However, we hope to make GTE WorldWind available to business customers in the future, so please keep checking back with us!

Q. What makes GTE WorldWind better than a regular telephone modem?

With GTE WorldWind, you'll never have to wait to get connected to your service, because you're always connected. You won't tie up a phone line, so you're always accessible. You'll experience the sight and sounds the way on-line is supposed to be. Quickly view complex animation and movie clips. Finally, you have an instant "hot-link" to the Internet. No complicated paths to follow - just turn on your computer and you're there.

Q. Can GTE WorldWind customers send and receive e-mails?

Yes. Each user will be assigned one e-mail address to send and receive mail. Additional

e-mail addresses are available.

Q. Is the cable network capable of two-way transmission?

Yes. GTE WorldWind is only available in areas where the plant has been fully upgraded to allow our customers to have an active return path.

Q. Will I be able to talk on the phone and surf the net at the same time?

Yes. GTE WorldWind service operates independently of your telephone lines.

Q. How does a cable modem hook up to my computer?

GTE WorldWind service uses Ethernet-based technology, so you'll need an Ethernet card installed in your computer's ISA or PCMCIA expansion slot. Once your computer is equipped with Ethernet capability, a GTE technician will visit your home and install a cable jack and modem near your computer. GTE does not install Ethernet cards or computer software in your computer. Telephone support is available to assist subscribers with installing supported Ethernet cards and Internet software.

Q. What type of Ethernet card should I use?

We recommend, and can provide telephone support for one of the following adapter cards for use with GTE WorldWind service:*

SMC EtherEZ
SMC EtherPower
3Com EtherLink III or XL Series Ethernet cards

Please Note: The computer stores noted in the availability section are experienced in setting-up computer networks. They may use other Ethernet cards that have been tested to work with the GTE WorldWind service.

*Manufacturers are not associated with GTE or any of its subsidiaries. GTE makes no representation or warranty regarding their performance and shall not be held responsible. GTE shall not be held responsible for any performance, damages, losses and/or causes of action of any kind resulting from services or products supplied by the referenced parties.

Q. Can I hook up more than one computer to my cable modem?

GTE WorldWind supports only one computer per cable modem. GTE WorldWind staff cannot provide technical support for multiple computers using Local Area Networking (LAN) or Proxy Servers.

Q. Can I run my own servers on the GTE Worldwind network?

GTE WorldWind service has been engineered to give a consistent and reliable through-put speed that exceeds any standard offerings of dial-up or ISDN service.

GTE WorldWind does not allow subscribers to run their own DNS, Mail, News, SNMP, Multiple Player Game servers or equivalent server applications. If subscribers were allowed to host their own servers the overall bandwidth available to all GTE WorldWind subscribers would be impacted, resulting in decreased network speeds.

Q. How do I know if I have the right computer equipment?

For the best experience using the GTE WorldWind Service, we **RECOMMEND** the following configuration:

PC
Pentium processor - 60 MHz or faster
Windows 95 or Windows 98
32MB RAM
10Base T Ethernet card
50MB free hard drive space
SVGA display

Macintosh
PowerPC processor
Mac/OS System 7.5 or later
16MB RAM
10BaseT Ethernet card
36MB free hard space
Macintosh compatible monitor

If you already are using a web browser and Internet software, you will simply need to make a few configuration changes to your TCP/IP settings to use our cable modem. Our technical support staff will be happy to assist you with the new settings when you arrange for GTE WorldWind service.

Q. What if I already have Internet access through a commercial provider or through another Internet Service Provider?

GTE WorldWind service includes unlimited monthly access to the Internet via GTE.NET, GTE's own Internet Service Provider, plus a full-featured edition of Netscape Navigator or Microsoft Internet Explorer. A commercial provider or another Internet Service Provider can be accessed via GTE's high-speed cable modem service. However, you will have to pay their current established monthly charge.

If you already are using a web browser and Internet software, you will simply need to make a few configuration changes to your TCP/IP settings to use our cable modem. Our technical support staff will be happy to assist you with the new settings when you arrange for GTE WorldWind service.

Considering the outstanding convenience, speed and unlimited access features of GTE *americast* cable modem service, you may wish to use GTE.NET exclusively.

Q. Can I fax with GTE WorldWind service?

No. You should use a dial-up fax/modem to send and receive faxes.

Q. How secure are cable modem transmissions?

No system offers complete security. Anytime you connect your computer to other systems, you face some risk. So it's smart to back up your data regularly, and always scan for viruses before you open a downloaded file.

Q. Does GTE WorldWind filter any ports?

GTE WorldWind filters (blocks) all inbound data (from the Internet to your cable modem)

on the following well-known ports:

Port 53 - Domain Name Servers (DNS)

- **Domain Name Service** is available on GTE WorldWind at 206.124.64.253 (Primary) and 206.124.65.253 (Secondary).

Port 119 - News Servers

- **News** services are available to GTE WorldWind subscribers at news.gte.net using your gte.net user ID and password (same as email ID).

Port 161 & 162 - SNMP/SNMP Trap

- GTE WorldWind does not allow the use of **SNMP** servers as a part of residential service for the protection of our subscribers.

Port 23 - Telnet (Inbound)

- We are blocking **telnet** servers due to potential security issues with proxy servers.

Port 70 - Gopher

- There are many **Gopher** servers available to GTE WorldWind subscribers on the public Internet.

Port 7 - Echo Servers

- **Echo** servers are not allowed on the GTE WorldWind network.

Port 135 - 139 Netbios Communication

- GTE will be filtering **Netbios** for both inbound and outbound Internet traffic. This filtering will reduce the risk of unauthorized access to subscriber's computer. However, subscribers should always take appropriate security measures to protect their personal data.

Q. How do I order GTE WorldWind Service?

To order cable modem service from GTE *americast*, call 1-800-GTE-VIDEO(1-800-483-8433) 24 hours a day, 7 days a week.

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GTE WorldWind sm

System Status Information

- **Cable Modem Network**

  No problems currently reported

  We apologize for any inconvenience these problems may cause.

- **E-mail Service**

  GTE Internetworking provides e-mail services for GTE WorldWind subscribers. Current email system status can be obtained at www.gte.net under System Status.

- **Newsgroup Service**

  GTE Internetworking provides newsgroup services for GTE WorldWind subscribers. Current newsgroup system status can be obtained at www.gte.net under System Status.

- **DNS Service**

  GTE Internetworking provides DNS services for GTE WorldWind subscribers. Current DNS system status can be obtained at www.gte.net under System Status.

- **Optional Dial-up Service**

  GTE Internetworking provides dial-up services for GTE WorldWind subscribers. Current connection status can be obtained at www.gte.net under System Status.

  (800 service is not available to GTE WorldWind subscribers)

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Open Access

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Key Facts

- AT&T is now the largest cable TV provider, with access to approximately 60% of U.S. households. In the overwhelming majority of these communities, AT&T will be the ***sole*** provider of cable services, including delivery of high-speed Internet access through cable modems.
- AT&T also owns a majority interest in Excite@Home, a proprietary service that provides Internet access and content via high-speed cable modems. AT&T intends to make this service the ***exclusive*** provider of high-speed cable Internet service on AT&T-owned cable systems.

AT&T's Chokehold Means Limited Choice for Consumers

- For traditional dial-up Internet service, and high-speed telco services like ADSL and ISDN, customers can choose one of many different Internet service providers (ISP), all of which compete for customers on a level playing field. This kind of competition underlies the explosive growth of the Internet, driving both innovation and lower prices.
- Consumers wishing to buy an AT&T cable modem for high-speed Internet connections will have to buy AT&T's ISP and give up their current e-mail address. This may be good for AT&T, but it is a giant step backward for consumers.

Consumers Will Pay Twice to Preserve Their Choice

- If AT&T's cable modem customers want to keep their current ISP - or choose another of the many competitive ISPs, they will have to pay twice: once for the AT&T-affiliated service they don't want, and again for their ISP of choice.
- Open and competitive systems encourage innovation, better service and lower prices. Consumers often pay less and get more. In the closed AT&T system, consumers will be at the mercy of the cable company's ISP.

AT&T's Monopoly Will Threaten Competition

- AT&T will effectively shut out thousands of competing ISPs from providing service to millions of customers. Many local and regional ISPs are at risk. Competitive ISPs aren't asking for a free ride. They are willing to pay a fair price for the use of AT&T's high-speed cable network.
- The growth of e-commerce depends on consumers having multiple paths to reach online businesses. By requiring consumers to use its ISP, AT&T will have too much power to direct Internet traffic and influence the content that users see online.

Local Governments Can Remedy This Problem

- Local governments have the authority to impose open access conditions on cable operators in order to promote public welfare through enhanced consumer choice and competition. Several localities have fought for open access, and others are now following this lead. AT&T has issued a serious threat to consumer choice that should not go unchallenged.

GTE Privacy Policy
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BBB OnLine RELIABILITY PROGRAM