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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of:	)	
	)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability	)	CC Docket No. 98-147
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98

COMMENTS OF GTE

GTE Service Corporation and its affiliated domestic communications companies[1] ("GTE") respectfully submit their comments in response to petitions for reconsideration of the Commission's Line Sharing Order.[2] As discussed herein, GTE supports the requests by Bell Atlantic and BellSouth to clarify or reconsider the rules in certain respects in order to guard against significant degradation of existing voice services.[3]

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[1] GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., GTE West Coast Incorporated, and Contel of the South, Inc. These comments assume, without conceding, that the Order's requirement to provide the high-frequency portion of the local loop as an unbundled network element is consistent with the Communications Act.

[2] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order, CC Docket No. 98-147 and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Fourth Report and Order, CC Docket No. 96-98, FCC 99-355 (rel. Dec. 9, 1999) ("Line Sharing Order" or "Order"). Public notice of the petitions for reconsideration was given at 65 Fed. Reg. 12004 (March 7, 2000).

[3] Bell Atlantic Petition for Clarification and/or Reconsideration, filed Feb. 9, 2000, BellSouth Petition for Reconsideration, filed Feb. 9, 2000.

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GTE disagrees with AT&T and MCI that the *Line Sharing Order* requires ILECs to assist CLECs that obtain the UNE platform in sharing their loops with third-party DSL providers.[4] If the Commission nonetheless imposes such a requirement, it must give ILECs sufficient time to develop and implement the necessary methods and processes.

I. THE RELIEF SOUGHT BY BELL ATLANTIC AND BELLSOUTH IS NECESSARY TO ASSURE THAT CRITICAL VOICE SERVICES ARE NOT MATERIALLY DEGRADED.

The Line Sharing Order directed ILECs to provide unbundled access to the high frequency portion of the local loop so that CLECs may provide certain advanced services over the same loops that the ILECs use to provide voice service. Stating that "protecting network integrity is our utmost concern,"[5] the Commission adopted certain spectrum management rules and presumptions in an effort to "ensure the compatibility of technologies and minimize the risk of harmful spectrum interference among transmission services."[6]

GTE shares the Commission's zeal for promoting the deployment of new technologies and services. As a leading technological innovator and provider of Internet and advanced services, GTE agrees that regulatory obstacles to the introduction of new offerings should be minimized. At the same time, however, GTE also strongly concurs with the Commission that the viability of existing voice services –

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[4] Petition of AT&T Corp. for Expedited Clarification or, in the Alternative, for Reconsideration, filed Feb. 9, 2000; Petition for Clarification of MCI WorldCom, filed Feb. 9, 2000.

[5] Line Sharing Order, ¶ 198.

[6] *Id.*, ¶ 6.

which are used for 911 calls as well as important non-emergency communications, many of which are mandated by federal or state authorities – must be the paramount principle guiding spectrum management. In several respects, as pointed out by Bell Atlantic and BellSouth, the rules adopted in the Line Sharing Order fall short of achieving this latter goal:

Data CLECs do not need access to the entire loop for testing purposes. Bell Atlantic notes that ¶ 113 of the Line Sharing Order seems to suggest that data CLECs need access to the entire loop for testing purposes.[7] This implication, however, is based on a reference to a type of testing (metallic loop testing) that is simply not relevant in a line sharing environment. Where the CLEC takes only the high frequency portion of the loop, "[t]he fact is that metallic loop testing is not necessary."[8] Rather, the CLEC is perfectly capable of testing the high-frequency portion of the loop without metallic loop testing. If the test shows that the CLEC's equipment and operations are not the source of the problem, it can issue a trouble report to the ILEC. Moreover, permitting a data CLEC to obtain full access to the loop for testing the high-frequency portion would pose a threat to the ILEC's voice customers. As Bell Atlantic explains, metallic loop testing requires the disconnection of dial tone from the customer's line. A CLEC should not have the ability to jeopardize voice service in this manner, when it can readily test the service that it offers by accessing only the high frequency portions of the loop.

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[7] Bell Atlantic at 3.

[8] Bell Atlantic at 4.

Degradation of voice services should be presumed to result from conditioning loops greater than 18,000 feet. GTE agrees with Bell Atlantic that "[t]he requirement to prove, on a state-by-state basis, that conditioning loops over 18,000 feet will significantly degrade the existing voice service is a wholly unnecessary exercise and should be eliminated."[9] Well-established engineering principles dictate that local exchange carriers must place load coils or repeaters on long loops in order to produce acceptable voice quality.[10] Removing these devices inevitably would degrade transmission quality to unacceptable levels. Accordingly, ILECs should not be burdened with the wasteful obligation to re-prove bedrock network design principles on a state-by-state basis. If a loop is longer than 18,000 feet, it should not be eligible for line sharing.

Market forces, rather than regulation, should determine the disposition of "known disturbers." The Line Sharing Order concluded that states should determine the disposition of known interfering technologies, such as analog T1. According to the Order, states may require segregation of the disturber, establish a sunset period, and/or prohibit the introduction of new, interfering services "where their deployment constitutes an anticompetitive practice."[11] The Commission implicitly rejected arguments by GTE and others that market forces would deal efficiently with analog T1,

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[9] Bell Atlantic at 6, *citing* Line Sharing Order, ¶¶ 84-85.

[10] GTE and the RBOCs all have engineering practices and standards that state that loops will be engineered for no more than 8 dB loss to ensure voice quality. (GTE's practice is GTEP-832100072.) These practices are based on industry standard IEEE 820.

[11] Line Sharing Order, ¶ 218.

stating only that "states are better equipped than incumbent LECs to take an objective view of the disposition of known disturbers, because of the vested interest that incumbent LECs have in their own substantial base of known disturbers ...."[12]

GTE concurs with Bell Atlantic that the Commission should permit market forces rather than regulatory mandates to determine the disposition of known disturbers.[13] As GTE explained in its comments, technologies such as AMI T1 remain functional and provide valuable service both to customers and as internal components of GTE's network.[14] Even so, GTE has no "vested interest" in AMI T1; GTE has been replacing this technology with HDSL over time, and it has a very strong incentive to continue doing so as rapidly as is economically practicable, given the competitive imperative to deploy its own xDSL services to compete against cable modem service and data CLECs.

Nonetheless, replacing this technology imposes significant cost burdens on carriers and customers alike, since it involves both the deployment of new cable and the change-out of customer premise equipment.[15] Consequently, the decision to phase out AMI T1 must be made on sound economic terms resulting from market forces,

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[12] *Id.*, ¶ 219.

[13] Bell Atlantic at 9-10. As Bell Atlantic points out, the "decision to permit newly deployed technologies to prevail in interference disputes when the only interfered with technology has significant interference potential itself ... is inconsistent with well-established Commission precedent" and is "an unjustified departure from [the Commission's] long-accepted 'first-in-time' concept."

[14] GTE Comments, filed June 15, 1999, at 11.

[15] *Id.* at 11 n.15.

rather than pursuant to an arbitrary sunset date established to benefit carriers that do not have to bear the associated costs. The customer who is served by AMI T1 or any other service that may be identified as a "disturber" needs to be factored into the decision of what is to be done; the decision cannot be driven solely by the desire to favor new technology.

New technologies should not be presumed deployable nationwide based solely on successful deployment in a single state. Under new section 51.230(c) of the Commission's Rules, a carrier seeking to deploy a new technology for the first time properly bears the burden of proving that doing so would not significantly degrade other advanced services or traditional voice services. This rule section goes on, however, to state that, "[u]pon a successful demonstration by the requesting carrier before a particular state commission, the deployed technology shall be presumed acceptable for deployment in other areas."[16] In other words, as BellSouth points out, this rule "essentially allows any state commission the opportunity to sanction the approval of new technologies on a national level."[17]

For the reasons given by BellSouth, the presumption of compliance established in section 51.230 could have a seriously adverse impact on both traditional voice services and on other advanced services, whether deployed by ILECs or CLECs. While all ILECs' networks adhere to certain very broad network design standards, there is substantial variation, both among ILECs and across states served by a single ILEC,

[16] 47 C.F.R. § 51.230(c).

[17] BellSouth at 2.

in the specific technologies deployed in the local loop. As a result, there is a very real risk that service that is deployed successfully by one ILEC in a particular network configuration could be incompatible with voice service offered by the same or other ILECs using different network configurations (e.g., metropolitan versus rural), possibly jeopardizing emergency communications.

The whole idea of the standards process, as BellSouth notes, is to assure that new technologies are based on rules that result from input from all affected carriers. The standards process produces certainty, making an entirely reasonable trade-off between a modest potential delay in deployment of a new technology and the avoidance of disruption to existing users. In contrast, the presumption established in section 51.230(c) "shortcut[s] the necessary research and discussion needed to adequately evaluate new technologies" and "denies the entities outside the state's jurisdiction the opportunity to be heard on how the new technology impacts their networks."[18] The Commission therefore should reconsider this rule and establish a presumption that a technology is deployable when it has been approved by (1) relevant standards bodies, (2) the Commission, or (3) the state commission with jurisdiction over the location where the technology is to be deployed.

[18] BellSouth at 3.

II. IF THE COMMISSION REQUIRES ILECS TO FACILITATE LINE-SHARING WHEN A CLEC HAS OBTAINED THE UNE PLATFORM, IT MUST PERMIT SUFFICIENT TIME FOR ILECS TO DEVELOP THE NECESSARY METHODS AND PROCEDURES.

AT&T and MCI WorldCom ask the Commission to "clarify" that the Line Sharing Order requires ILECs to facilitate sharing of a UNE-P arrangement with an xDSL offering from either the requesting CLEC or a third party.[19] GTE disagrees with these parties that the imposition of such a requirement is a mere clarification of the Line Sharing Order. Rather, the order repeatedly states that the line sharing obligation applies only when the ILEC remains the provider of the customer's voice services and the requesting CLEC has collocated a DSLAM in the central office or at a remote terminal.[20]

If the Commission nonetheless decides to adopt the new rules requested by these petitioners, it must allow sufficient time for ILECs, working with AT&T, MCI WorldCom, and other interested parties, to develop the requisite methods and procedures. As AT&T recognizes, CLEC/CLEC line-sharing in the UNE-P context will require the development of "procedures that enable [the UNE-P CLEC], or a third party,

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[19] *See generally* Petition of AT&T Corp. for Expedited Clarification or, in the Alternative, for Reconsideration; MCI at 4-10.

[20] *See, e.g.,* Line Sharing Order, ¶¶ 4, 6, 13, 47, 67, 70, 72 ("incumbent carriers are not required to provide line sharing to requesting carriers that are purchasing a combination of network elements known as the platform"); *see also* 47 C.F.R. § 51.319(h)(3) (line sharing is required only where the LEC provides voice band services).

to add, modify or remove xDSL capabilities to a new or already operating UNE-P line ...." Moreover, in AT&T's own words, "no such procedures are currently in existence."[21]

The development of the necessary procedures will take time, and is best accomplished through collaborative efforts in order to assure that the final processes best suit the needs of ILECs and the diverse range of CLECs that might wish to take advantage of this new capability. In addition, the FCC should allow time for the procedures and system changes surrounding ILEC/CLEC line sharing to stabilize before adding a CLEC/CLEC line sharing requirement. The ILEC/CLEC procedures will be finalized by June 6, 2000. As with all modifications to complex systems, a time period after that will be needed to assure that any unanticipated problems can be resolved. Specifically, GTE respectfully suggests allowing a minimum of 180 days from the effective date of any order adopting such rules.

III. CONCLUSION

To promote the deployment of new technologies while assuring that critical voice services are not materially degraded, the Commission should grant the relief sought by Bell Atlantic and BellSouth. In addition, the Commission should deny AT&T's and MCI WorldCom's request for "clarification" that ILECs must facilitate the use of line-sharing between UNE-P CLECs and their own or third-party xDSL services. If the Commission

[21] AT&T at 5.

nonetheless adopts such a rule, it should permit at least 180 days for the cooperative development of the necessary processes.

Respectfully submitted,

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March 22, 2000

CERTIFICATE OF SERVICE

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